

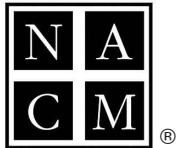
MANAGING THE MESSAGE:

# The NACM Media Guide *for Today's Courts*



**National Association** for **Court Management**

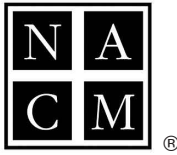




Managing the Message:  
The NACM Media Guide  
for Today's Courts  
2010 Mini Guide

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NATIONAL ASSOCIATION FOR COURT MANAGEMENT



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# Executive Summary:

## CNN and Twitter and the Times: OH MY!

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In the classic movie *Wizard of Oz*, as Dorothy, the Tin Man, and the Scarecrow make their way down the yellow brick road, they become afraid and begin chanting the familiar phrase, “Lions and Tigers and Bears ... OH MY!” How many of us experience the same feeling when we consider the media?

### **2010 Mini Guide Workgroup, July 2010**

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The term “media” in itself is disquieting to many judges and court professionals, and the new media revolution currently occurring in the press only makes its management more onerous. The media, however, plays an important role in the justice system. Should judges and court professionals consider the media a nemesis or a resource that can be used to assist the court in delivering its message? If the media is indeed a resource for the courts, what is the best way for judges and court professionals to interact with the media? With the introduction of new forms of media, including social media websites, how does that interaction need to change?

Those and many other intriguing topics are addressed in the National Association for Court Management’s 2010 mini guide publication. This publication is an update and complete revision of NACM’s 1994 Media Guide. There are a host of differences, but among them is the method by which the topics are discussed. In the past, the mini guides have been written as free-flowing documents that read as if one author has written the material. In this guide, experts were solicited in each topic area to write an article from their own perspective. The committee is confident that the membership will find this approach helpful in this publication and hope that you will be able to “follow the yellow brick road” in putting the guide to practical use in your court’s interactions with the media.

# The Changing Media

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*The following article is adapted from a speech given by Ari Shapiro, justice correspondent for National Public Radio (NPR), at the Court Technology Conference on September 22, 2009, in Denver, Colorado.*



*So—as people who work in and report on the court system—the question before us is, how do we use technology to enhance what we do rather than being left bleeding?*

I'd like to begin by telling you a story about scars. This is a story about my internship with NPR's Supreme Court correspondent Nina Totenberg. No, Nina did not leave me scarred. One of the first lessons she taught me as a journalist was how not to get scarred by technology.

When I went to work for Nina almost nine years ago, NPR was still using reel-to-reel tape - actual tape. Of course now we use a digital editing program on our computers, but back then when we talked about tape, or things being left on the cutting room floor, we were actually using razor blades and cutting tape with our own hands. We would put these huge reels containing an interview on machines that spun at very high speeds, whipping the tape from one reel to another so you could advance or rewind the story to the part you were looking for. Not exactly "state of the art," but it was the state of NPR.

On my first day, Nina taught me how to use these machines. After demonstrating how they worked, she looked at me in the eyes and said, "Ari, there will come a time when you are on a deadline and the tape is flying and you realize you have passed the point where you wanted to stop it, and you will be flustered and you will want to grab the tape. Don't. It will cut you." And then she held up her thumb and she showed me where she has a narrow scar running in a vertical line. She then proudly said, "None of my interns has ever been scarred by this machine." I am proud to say that that is still the case.

There is a broader lesson that I took away from Nina's instruction to me that day: technology can hurt you, or it can help you. If you use it correctly, it can enhance everything you do. If you misuse it, it can leave you with scars. So—as people who work in and report on the court system—the question before us is, how do we use technology to enhance what we do rather than being left bleeding?

And at this point, I have to make a confession. When I was invited to come speak at this conference about six months ago, I began to make some notes. My notes included the following words: “I am not going to tell you that you should use Twitter. I hate Twitter, and I refuse to do it.”

For those of you who don’t know, or have been afraid to ask, Twitter is a social networking website that allows people to send and read very short messages, or “tweets” to express anything they want any time they want to whoever will read it. And this technology

is not just for teenagers. The White House has a Twitter feed. So do many members of Congress. Well, despite my serious misgivings about this technology, I confess: In the last six

months, I started tweeting. My first tweet was as follows:

“I’m trying twitter after bashing it for months. Professional updates only, no lunch menus.”

My first tweet contains what I think is an important point. Anyone—including courts—needs a reason to tweet. I do not think you should tweet what the judge is wearing today: “Black robe. Again.” I don’t think you should tweet synopses of opinions, not that you ever would. Can you imagine? @SCOTUS<sup>1</sup> tweets: “Privacy rights exist! Abortion ok!” This is not a wise use of new technology.

But imagine that your court is on the verge of releasing a major opinion. Everyone is on pins and needles waiting for it to come down. The court’s phones are ringing nonstop with reporters and lawyers wanting to know when and how the opinion will be released. What if your court had a Twitter feed? Anyone with interest in

the court’s proceedings could subscribe to that feed. And the moment an opinion is released—any opinion—the court posts on Twitter: NCSC *v. Shapiro* decision here: and then you link to it.

In fact, according to a recent article in the *Chicago Daily Law Bulletin* (Krajelis 2009), many courts are already tweeting. The Illinois Supreme Court is using Twitter. So is the Clark County Court system in Las Vegas. And it’s not just Twitter. On the DC circuit federal appeals court in Washington, judges and clerks send instant messages to each other on their laptops

during oral arguments.

The Justice Department is even getting into the game. Their public affairs office recently hired someone to oversee new media. Not only is she updating the Justice Department’s web-

site; she’s also creating a presence for the Justice Department on Twitter, Myspace, Facebook, the photograph sharing site Flickr, and other social media sites.

What is the advantage for the Justice Department – or a state court – to have a presence on these new media sites? After all, it may seem like just a lot of added work. Let’s look at Twitter again. Twitter can actually free you from having to maintain a constantly changing email list of reporters who need to get an alert when you decide a case. With Twitter, people subscribe and unsubscribe to your feed on their own. They don’t have to ask you to add or remove their names from the email list. Every time there is a publicly filed brief or a transcript of oral arguments, you can just tweet the link to the document on your website. You can tweet when a hearing will resume the following day or which courtroom a trial is being held in.

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*On the DC circuit federal appeals court in Washington, judges and clerks send instant messages to each other on their laptops during oral arguments.*

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<sup>1</sup> @SCOTUS references a hypothetical twitter account from the Supreme Court of the United States.



And some of the litigants who appear before you are already doing this. When the American Civil Liberties Union (ACLU) files a brief in a major court case, they let people know via Twitter. That's often how people like me get the original documents quickly so we can report the news accurately. This is related to why I and many of my colleagues started using Twitter. People who wanted to hear my stories kept complaining to me that they never knew when I was going to be on the air. Now when I have a story on the radio, I post something on Twitter with a link to the piece. There's no reason courts can't do the same.

So — the obvious question is, why should courts promote their work in this way? Obviously, you play a very different role in society from journalists or activist groups like the ACLU. It goes back to my original story about those dangerous reel-to-reel tape machines. I believe Twitter, Facebook, Myspace, blogs, g-chat, and all of those technologies and others can either help or hurt the work of courts. And I think ignoring them is a good way to make sure they hurt.

If it is in the public interest to be informed about and understand what is happening in the courts, then it should be in the courts' interest to facilitate that. Our goal, then ... yours and mine ... should be to make the work of the courts transparent and understandable to people who want to know about it.

I know many judges who feel it's not their job to explain what they're doing. They see their duty as limited to deciding the case based on the facts and the law and explaining that decision in a written opinion. People can read the opinion or not. And I'm not arguing that judges should do an online Q&A about their latest opinions. But I do want to encourage you to use technology to get good, accurate information to the public.

We live in an age where news consumers want to be able to go to the source. Today, when the

Justice Department releases an important investigation ... or the Supreme Court releases an important decision ... one of the first things I will do is send that original document to my colleagues who work on the [npr.org](http://npr.org) website. They will post it on the site as soon as possible. That way NPR's listeners — who in many cases are now our readers — can go to the site and see the original document for themselves. This is something people expect to be able to do today in a way they didn't 10 or 15 years ago.

I understand there is a certain allure to keeping a court's operations cloaked in mystery. I think that's one of the reasons the Supreme Court still does not permit cameras, and only rarely release same-day audio of oral arguments. But I think we can all agree that bad legal reporting hurts everyone. When people get the facts wrong, they get the story wrong. And when people get the story wrong, you all end up frustrated by falsehoods about yourselves and your work in the paper. Or on TV. Or, once in a while, on the radio. And then you're stuck debating whether to use your judicial temperament to keep your mouth shut or use your judicial temper and call to scream at the reporter who got it wrong.

There have been times when I have read an Associated Press story about a court opinion that was released five minutes ago. NPR wants me on the air as soon as possible. I can't find the opinion on the court website, and nobody's answering the phone at the courthouse because, of course, there is only one person at the court who handles media inquiries, and that person's being inundated by phone calls from 100 other people like me. So I have to either tell NPR I can't talk about the story on the air yet because I don't have the original documents, or I rely on the Associated Press story. If I do that, I hope there are no mistakes in the AP story and that I'm not repeating those mistakes on the air.

This tension plays out in the work reporters do all the time. How many of you work in a



region where bloggers at least occasionally cover the work of your court? I wonder how many of you have taken issue with the way those bloggers have described what your court does—and in how many of those cases bloggers have provided the actual decision or the transcript of the arguments they are writing about?

When the Supreme Court decides a major case, I don't go to the Supreme Court website to get the opinion. I go to a blog:

Scotusblog.com. That's because scotusblog quickly and reliably links to not only the opinion but all of the major documents for

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*"Why do I have to struggle so hard to present your side of the story?"*

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every case the Supreme Court decides far more quickly and efficiently than the Supreme Court website does.<sup>2</sup> But what if the website that quickly and efficiently posts all the work of your court is not a respectable site like scotusblog, which is run by serious lawyers and journalists?

What if instead it's a site run by some crackpot who thinks everything the court does is awful, and anybody who wants quick and easy access to your briefs, opinions, transcripts, and other documents gets it by going to the homepage of the yahoo who is calling you anti-American and demanding your impeachment? We operate in an age where everybody considers him or herself a reporter. And in a very real way, everyone is. People who consume news don't necessarily distinguish between "citizen journalists" on the one hand and "real" reporters on the other. I'm not saying that's a bad thing. I think the democratization of news production has had both good and bad consequences.

As people who are interested in the cause of good, accurate, factually sound coverage of the courts and legal issues, I think we have two options. Option one is to play whack-a-mole with every false fact out there. Option two strikes me

as both easier and more effective, and that is to extinguish bad information with good information by making the original documents – the transcripts, the opinions, the evidence – as easy for everyone to access as possible. The solution to bad legal reporting is not to put up more walls between the original documents and the people who report on them. The solution is to use technology to tear down those walls and get the good information out there.

I have a quotation on my desk from my colleague Pam Fessler. She used to cover the Department of Homeland Security, and she sits a couple of cubicles down from me at NPR headquarters in Washington. The quotation says, "Why do I have to struggle so hard to present your side of the story?"

This is a problem that I find to be endemic in institutional bureaucracies. Everyone wants journalists to be fair, thorough, accurate, and responsible. But too often, when a journalist comes knocking on the door, the answer is "we're not home." And by the "door," I mean the website, the phone system, the technological infrastructure that is the gateway for the public and journalists to get accurate information. Saying, "We're not home" does not make journalists go away. In the case of responsible journalists, it makes us try harder and harder and harder until, like Pam Fessler, we eventually shout in frustration at the person on the other phone, "Why do I have to struggle so hard to present your side of the story!?"

Irresponsible journalists do something much worse. They crib something from a Wikipedia page or a blog, or write about a case without ever having read the original documents. Is it your responsibility to fight the scourge of irresponsible journalists? No. But it is your

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<sup>2</sup> This speech was given prior to the revision of the United States Supreme Court website, which now posts opinions simultaneous with their release.

responsibility to make enough of an effort at transparency through technology that good people like Pam Fessler don't go shouting down the line, "Why do I have to struggle so hard to present your side of the story."

And this information is not limited to case-specific documents. I have the good fortune of covering only one beat, and that gives me the opportunity to develop a certain amount of familiarity with the topics I cover. I understand how a typical trial works. But in many parts of the country, local newspapers assign whoever happens to be available on a particular day to cover a particular story.

With newspapers laying people off all over the country, this is true now more than ever. Someone could be doing education one day, health the next, followed by politics, arts, and then on Friday they're covering a trial. They can hardly be expected to know *voir dire* from habeas corpus. That's terrible. I wish it weren't the case. But it's reality.

And, again, I understand and agree – it's not your job to tell a reporter how the American legal system works. But it's really easy for a court website to post a Frequently Asked Questions page or even link to someone else's reliable website that defines commonly used legal terms. You could provide information about how the media is expected to behave and how a trial typically proceeds.

I would like to end with one final confession.

Because I am toward the younger end of the spectrum in my field, my colleagues sometimes assume that I'm very tech-savvy, that I'm an early adopter, and that I'm aggressive in my use of new media and new technologies. The truth is: I'm really something of a Luddite. I don't have an iPhone, I resisted a Blackberry for a long time, and my friends used to make fun of me because I was the last person they knew to buy a

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*In many ways, I can identify with the position courts are in. You're appropriately cautious. You don't want to compromise the role you play. You don't want to dive into a muddy Internet playpen with people who are gossiping about Paris Hilton and posting links to cats playing the piano. And that is a legitimate worry.*

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cell phone. When it comes to new communications technologies and public interactions, my natural instinct is to be very conservative.

Technologies are useful if you understand how they can serve your specific needs. And I believe there are compelling ways in which these new technologies can serve courts' needs. In many ways, I can identify with the position courts are in. You're appropriately cautious. You don't want to compromise the role you play. You don't want to dive into a muddy Internet playpen with people who are gossiping about Paris Hilton and posting links to cats playing the piano. And that is a legitimate worry.

But there was a time that courts might have said they didn't want to create a website or an email address because the Internet was full of people selling products and stealing people's identities. There are still people selling Viagra and stealing identities on the Internet, but no court would dream of functioning without the Internet. We're past that stage now for websites and email, and I think we're also past that stage with Facebook and Twitter. I hope these anecdotes have given you a sense that if I can do it, you can too. It is a muddy Internet playpen, but with the right sense of purpose and role, it can be a safe and useful place to play.

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<sup>3</sup> Luddite – one who opposes technical or technological change

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

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Lorri Montgomery

*Director of Communications, National Center for State Courts*



*Technology has not just changed the way information is gathered and disseminated – it has changed who's doing the gathering and disseminating.*

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.”

# The Print Reporter's Perspective

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Frederick Melo  
*Reporter, St. Paul Pioneer Press*



*Apart from the implications it can have on their careers, legal stakeholders have a general interest in upholding the public's faith in the justice system.*

Journalists obtain some of their best material from the legal process. Judges, prosecutors, defense attorneys, and private litigators have a vested interest in seeing themselves and their cases portrayed accurately in the media, albeit truthfully. Apart from the implications it can have on their careers, legal stakeholders have a general interest in upholding the public's faith in the justice system.

So why then, does a disconnect exist between the press and the courts? More importantly, what can be done to bridge the gap? For the media, the answer is partly due to time, training, and resources. Reporters are often pressured to file multiple stories in a day, leaving little time to attend omnibus hearings or decipher arguments steeped in legal nomenclature; they may be learning by doing, having received little training in covering the courts as part of their journalism studies; and they may have limited access to court documents and insufficient training in navigating legal search engines such as LexisNexis and Pacer.

Objectives of the press and the court are sometimes mismatched, with the journalist focused on storytelling and the end result (conviction, sentence, and reaction), rather than the day-to-day procedure. Some in the legal defense community are suspect of the media and its tendency to portray the accused as guilty before a verdict is rendered or the media's tendency to sensationalize the story for the purposes of selling more publications. Consider the case when attorneys for U.S. Senator Larry Craig argued that he should be allowed to withdraw his guilty plea to disorderly conduct. The suburban courthouse had to accommodate 33 news contacts representing 20 media outlets, about 10 satellite trucks, two or three sketch artists, and a cadre of photographers. Even with the circulation of major newspapers and magazines declining, the media continues to



wield considerable power in persuading public opinion. Technology has bolstered the ability of media outlets (both large and small) to communicate information from the courtroom to the public.

The following guidelines can assist the court in facilitating a more productive relationship with the media:

1. Literally and figuratively "invite them in." Identify the reporters who will be covering the courthouse on a regular basis. Invite respective reporters from the area's newspapers, television, radio and Internet outlets to attend regular informational sessions with the chief judge, courthouse administrator, and/or court information officer for the judicial district.
2. Provide reporters with information regarding online resources, and, to the extent possible, improve electronic access to materials. For instance, the Minnesota trial courts update civil and criminal case information online (<http://pa.courts.state.mn.us>). The court also publishes a glossary of legal terms as part of its online "self-help" center ([www.mn-courts.gov/selfhelp/?page=327](http://www.mn-courts.gov/selfhelp/?page=327)). PACER ([www.pacer.gov](http://www.pacer.gov)) is essential for federal court filings. The Dakota County Attorney's Office publishes criminal complaints online and maintains them for six months (<http://services.co.dakota.mn.us/ComplaintSearch>). Similarly, the Dakota County Sheriff's Office posts booking photos online until suspects make bail (<http://services.co.dakota.mn.us/InmateSearch>).
3. In Minnesota, the state court system alerts reporters to filings in certain high-profile cases by posting them online and sending out

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*Daily deadlines have become outmoded in that even weekly papers and monthly magazines post information online as quickly as possible.*

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emails to those who have signed up to receive them ([www.mncourts.gov/?page=508](http://www.mncourts.gov/?page=508)).

For cases that generate media interest, designating a public information officer for the court can improve communication.

4. Provide a framework and/or flowchart noting the process of documents such as, civil judgments; search warrants; criminal complaints; the daily calendar of court hearings should be provided and discussed with reporters.
5. A policy for cameras and electronic media in the courtroom should be developed and enforced, including decisions regarding use of photo cameras, video cameras, text messaging devices such as Blackberries, cell phones, laptops, etc. The procedure for submitting a request to cover a proceeding should also be included. An abridged version of the policy that is shared with the media on a regular basis and that cites the relevant statutes eliminates delay and confusion at the start of a high-profile trial.
6. Provide each reporter with a list of prosecutors and public defenders or direct them to the appropriate contact for each department.
7. Reporters should be advised about semantics that can make significant differences in the minds of the public when they read about the case. For instance, a judge once cautioned that a jury never "finds someone innocent" — the defendant is found not-guilty.
8. For high-profile cases, designate a media area in the courtroom. If the court is expected to be crowded, allow reporters to sit in the jury box (provided, of course, there is no jury and this does not create a security problem).

9. Broadcast high-profile cases live in an adjoining press room so that reporters can talk on their cell phones and work with their laptops without causing a disturbance.
10. Daily deadlines have become outmoded in that even weekly papers and monthly magazines post information online as quickly as possible. Therefore, bearing in mind a reporter's frequent deadlines and the competitive nature of the journalism business will be mutually beneficial.
11. Communicate. Given the opportunity, most professionals would like to do their job better. If the print or broadcast was not entirely accurate or omitted a critical point of the case, it should be communicated to the reporter in a polite and courteous tone.



# Using Court Websites to Communicate

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Chris Crawford  
*President, Justice Served*



*Ideally, websites can be used as a communication tool in which the public is engaged and feedback is sought to improve court programs.*

Websites are now commonplace in modern courts. The features of court websites run the spectrum from brochure-type sites that have no interactive content but, at a minimum, have information such as the court address, phone contact, directions, hours of service, and descriptions of case types, to dynamic sites that allow users to electronically file cases, look-up calendar events, subscribe to notification services, pay fines, qualify for jury service, and even take a virtual tour of the courthouse.

All court websites have the potential to serve as a powerful communication tool to inform the public and the media about programs, initiatives, changes in the law, and other important court business. At a minimum, courts should provide some website functionality to upload newsletters, notices, and news about the court. Even better, a court's website should allow for online subscription receipt of newsletters, press releases, and updates as they become available. Ideally, websites can be used as a communication tool in which the public is engaged and feedback is sought to improve court programs.

Web-based communication applications include:

**ONLINE NEWSLETTERS** – For posting in either HTML format for reading on the website or PDF format for reading or downloading. If the court currently produces a newsletter, putting the content on the Web reduces hard copy printing and mailing costs and has the potential to reach a wider audience. If the court does not produce a newsletter, websites provide a great opportunity to begin such a public outreach.

**PRESS RELEASES** – Whenever the court issues a press release, posting it on the court's website has the potential to reach a wider audience, and it serves as an archive of past releases.

Online subscription to news releases provides timely access to the press.

**VIRTUAL TOURS AND HISTORICAL INFORMATION** – These website “extras” show the human interest side of the court organization. Historical buildings, interesting cases, famous past judges, and landmark status are all of public interest. Even so, a courthouse does not need to be historical to be featured in an online tour.

**KIDS’ PAGE** – Content that appeals to youth is a great way to reach the public, educate, improve understanding of the legal process, entertain, and humanize the court institution.

**NOTORIOUS CASE SUBSCRIPTION SERVICES** – Several courts have used their websites to reduce the intensive press and public demands on the clerk’s office by offering online subscription services to filings, transcripts, and notification of hearing outcomes for notorious cases.<sup>4</sup>

**BLOG** – Technically, a Web log is used to post updates and information while allowing comments as an optional feature. Most, but not all, court blogs are either run by private, nonprofit, or education organizations.<sup>5</sup>

As with any technology application, there are a myriad of management issues affecting court website management. Here are a few:

**INTERNAL vs. EXTERNAL** – Courts own and operate their own website or it is run for them by others such as a funding authority like a state administrative office, county, or city. Regardless

of ownership and operation, the court should have some control over the content and the ability to refresh content such as newsletters, press releases, and notices. All website programs have administrative controls to allow such authorized updating.

**VIRUS PROTECTION, FIREWALLS, AND SECURITY** – Safeguards should be in place to protect a court’s computer network from viruses, hackers, and unauthorized access. If court calendars and files are accessible on the Web, they should be copied onto a “mirror” server so that any breach does not expose the real-time network.

**“PUSH” vs. “PULL” OF INFORMATION** – One of the many benefits of using a website is the ability to “push” information to interested parties so that information flow is fresh, as well as posting information so that interested parties can “pull” it from the site as the need arises. However, although the “pushing” of court information through a subscription service does not technically fall under the provisions of the CAN-SPAM Act of 2003,<sup>6</sup> its provisions are a handy guide on how to manage these communications, including the ability of the receiver to unsubscribe, provision of the physical address of the sender, and a valid sender email address.

**COMPLIANCE WITH ACCESSIBILITY REQUIREMENTS** – The Federal Information Technology Accessibility Initiative<sup>7</sup> provides guidelines so that website design and content delivery is accessible to people with disabilities.

<sup>4</sup> For example, the Santa Barbara County (CA) Superior Court used such a service to manage the *People vs. Michael Jackson* case and reported a significantly more manageable and less labor intensive clerk operations as a result. The court website is [www.sb-courts.org](http://www.sb-courts.org), and the press/public website is [www.sbscpublishaccess.org](http://www.sbscpublishaccess.org).

<sup>5</sup> Samples of court-run blogs include the Hillsborough County (FL) Clerk of Circuit Court at [www.hillsclerk.com](http://www.hillsclerk.com), and the Texas State Court Administrator at <http://courtex.blogspot.com>. Court blogs operated by other organizations include the U.S. Supreme Court at [www.scotusblog.com](http://www.scotusblog.com), Washington State Supreme Court at [www.wasupremecourtblog.com](http://www.wasupremecourtblog.com), and Texas Supreme Court at [www.scotxblog.com](http://www.scotxblog.com).

<sup>6</sup> See [www.ftc.gov/spam/](http://www.ftc.gov/spam/) for details.

<sup>7</sup> See [www.section508.gov](http://www.section508.gov) for details.

For instance, those who are sight impaired use assistive technology to increase font sizes, “read” website content, or translate text into Braille, and these assistive technologies cannot work with certain Web programs, designs, and layouts.

Court websites have potential as powerful communication tools that can substantially improve public and media outreach, education, and court service delivery. While there are many examples of excellent websites designed and used by courts, here are a few tips on what does not work well:

- Using Latin word or phrases and technical terms
- Out-of-date material
- Poor navigation and non-working “back” buttons
- Blatant self-promotion on the home page, such as election pitches (which is likely unethical on the court’s Web page)
- Omitting contact information (and area code)
- Utilizing hard-to-read fonts and colors
- Naming home page “index”
- Poorly written content (passive voice, poor English, etc.)

As court customers and the press become more demanding of quality online service delivery, courts are under pressure to enhance their websites. Budget constraints, loss of staff, reduction of service hours, and even court closures have increased this pressure to excel at website design, content, and functionality.

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<sup>8</sup> For access to various state, local, tribal, and international court websites, visit [http://www.ncsconline.org/D\\_KIS/info\\_court\\_web\\_sites.html](http://www.ncsconline.org/D_KIS/info_court_web_sites.html). For more than 10 years of annual Top 10 Court Website Award examples, visit [www.justiceserved.com](http://www.justiceserved.com).

# Putting Social Media to Work for the Court

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Chris Davey  
*Director of Public Information*  
The Supreme Court of Ohio  
Treasurer  
The Conference of Court Public Information Officers



*New media such as Facebook, YouTube, and Twitter are transforming the way people get information and understand the world. How will this affect the courts?*

*New media such as Facebook, YouTube, and Twitter are transforming the way people get information and understand the world. How will this affect the courts? The Conference of Court Public Information Officers (CCPIO) is studying this phenomenon with regard to its impact on court proceedings, judicial and employee ethics, and our obligation to advance public understanding of the judicial system.*

From the Scopes “Monkey Trial” to the Lindbergh kidnapping to O.J. Simpson, as the modern media era of the twentieth century progressed, each successive generation’s “trial of the century” brought renewed vigor to a debate that is as old as the law: What is the appropriate balance between the two often-competing interests of a fair trial and the public’s right to know?

Recent events have illustrated that while the debate may be old, advances in information technology have invigorated the debate. Portable video devices in conjunction with microblogging tools such as YouTube with upload capability have made the existing rules and processes for restricting cameras in the courtroom instantly anachronistic. Facebook, Twitter, and the Web-browsing capabilities of countless handheld devices have compromised courtroom proceedings and security.

Consider these recent examples of how new media technologies have impacted court proceedings:

- In February 2010, two Cleveland men were jailed for intimidating jurors at a criminal trial by pointing handheld digital cameras at them. (Miller 2010)
- A Maryland appeals court in 2009 threw out the first-degree murder conviction of a 23-year-old man because a juror had

looked up the definition of the word “lividity” on Wikipedia one night following deliberations. (Wilber 2010)

- Media representatives have vowed to fight a Florida judge’s order in January 2009 that a newspaper reporter and two television reporters stop using electronic devices to cover the trials of three men charged with the 2006 shooting death of a Jacksonville 8-year-old. The judge cited concerns that the jurors would be distracted.

Since the First Amendment established the right of free expression and the Sixth Amendment guaranteed criminal defendants the right to a “speedy and public trial,” judges and journalists have held a unique role. The courts have a responsibility to be accessible to the news media and the public, to explain the judicial system, and to protect the constitutional rights of stakeholders. The media often works to hold courts accountable by representing the public interest. As the U.S. Supreme Court asserted in *Ohio v. Sheppard*: “The press does not simply publish information about trials, but guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism.” (*Sheppard v. Maxwell* 1966)

Understanding the interdependency between these two unique and independent institutions has always been a challenge – one that has changed over time with the evolution of technology. Each successive breakthrough in media technology has brought with it changes in the relationship between the two, from the advent of the penny press in the nineteenth century to the introduction of cameras in the courtroom. Recent developments in mass media communications have been described as nothing less than a “cultural revolution.” (Locke 2000)

## THREE AREAS OF IMPACT ON THE COURTS

While there are countless categories of technology that arguably could impact the operation of the courts, there are three areas where new media technologies have a specific impact on the courts’ ability to meet the trial court performance standards (Commission on Trial Court Performance Standards 1990) of supporting public trust and confidence:

- 1) Effects on court proceedings
- 2) Effects on ethics and conduct for judges and court employees
- 3) Effects on courts’ ability to promote understanding and public trust and confidence in the judicial branch

### 1. Effects on Court Proceedings

Judges around the country are encountering a wide array of situations where new media in the courtroom are disrupting the traditional balance between openness and due process. At the same time, if regulated properly, new media could enhance access to court proceedings and public understanding without compromising the integrity of proceedings.

Consequently, the first area of study for the project is potential new media effects on court proceedings. The Trial Court Performance Standards require “that the public believe that the trial court conducts its business in a timely, fair, and equitable manner and that its procedures and decisions have integrity” and “that the trial court be perceived by the public as accessible.” New media in the courtroom have demonstrated the potential for impacting these standards both positively and negatively as it relates to the conduct of trial proceedings.

## 2. Effects on ethics and conduct for judges and court employees

In December 2009, the Florida Supreme Court Judicial Ethics Advisory Committee issued an advisory opinion on Florida state court judges using Facebook that received widespread national coverage in the New York Times among other publications. (Schwartz 2009) The opinion concluded that judges cannot use social media sites, including Facebook and MySpace, to designate as a “friend” any lawyer who may appear before their courts, and vice versa.

Social media sites like Facebook, MySpace, LinkedIn, and others offer the promise for judges, court employees, and courts as institutions to network, communicate, and collaborate. At the same time, courts will need to find ways to balance these potential benefits against potential risks, including use of public resources and potential negative impact on public perceptions.

## 3. Promoting understanding and public trust and confidence in the judicial branch

Traditionally, the most important influence on the public’s understanding and opinion of the judicial system has been the news media. (Segal and Slotnick 2005) The long-standing role of the media is currently in significant decline, while emerging new media can potentially have more of an impact in how the public receives information and understands the world. Greater numbers of people are getting news and information and forming opinions based on a wide range of new and emerging Web-based media as technology becomes more heavily relied upon as an information source. Governments at all levels are starting to experiment with many of these technologies in the hope that their collaboration can transform the relationships between governmental entities and their constituents. (Fountain, Mergel and Schweik 2009)

## SEVEN CATEGORIES OF TECHNOLOGY

Based on these three areas of study, there are seven categories of new media technology that are the focus of the New Media Project’s research. The seven categories do not represent an exhaustive list but were selected because they have had an impact on court operations and objectives and the impact of technology is identified in the study as affecting the court’s ability to meet the Trial Court Performance Standard of public trust and confidence.

The changes currently transforming the media industry are difficult to pinpoint. Categorizing the diverse and evolving array of sites and functions in the new media environment is challenging. New technologies emerge almost daily, and the basic functions of existing sites expand and transform as sites compete for users.

For these reasons, the New Media Project is concerned not with specific, proprietary technologies, but instead with categories of technology as defined by their broad functionality. By establishing this functionality-based framework for our research, we avoid (or at least diminish) the problem of evolving technologies while at the same time identifying a clear scope for the research.

The seven categories of technology are as follows:

1. **Social media profile sites (e.g., Facebook, MySpace, LinkedIn, Ning)** – These sites allow users to join, create a profile about themselves, and share information, images, and video with a defined networks of “friends.”
2. **Microblogging (e.g., Twitter, Tumblr, Plurk)** – Microblogging is a form of multimedia blogging that allows users to send brief text updates or micromedia such as photos or audio clips, and publish them, either to be viewed by



anyone or by a restricted group chosen by the user. These messages can be submitted by a variety of means, including text messaging, instant messaging, email, digital audio, or the Web.

3. **Smart Phones, Tablets, and Notebooks (e.g., iPhone, Droid)** – This category is defined by devices that can capture video, still images, and audio and post to the Internet on the spot. These mobile devices also enable users to access the Internet, browse the Web, send and receive emails and instant messages, and otherwise connect with online networks and communities through either broadband or Wi-Fi access.
4. **Monitoring and metrics (e.g., Addictomatic, Social Seek, Social Mention, Google's Social Search, Quantcast)** – This category includes the large and increasing body of sites that aggregate information about traffic patterns and what is being posted on social media sites across the Internet and displays the information in a way that allows for analysis and understanding about how a particular topic or entity is being portrayed and understood.
5. **News categorizing, sharing, and syndication (e.g., blogs, RSS, Digg, Reddit, del.iciou.us)** – This is a broad category that includes websites and technology that enable the easy sharing of information, photos, and video, and the categorization and ranking of news stories, blog posts, and other news items.
6. **Visual Media Sharing (e.g., YouTube, Vimeo, Flickr)** – These sites allow users to upload video and still images that are stored in searchable databases and easily shared through links that can be emailed or posted, and code that can be embedded into nearly any website.
7. **Wikis** – A Wiki is a website that allows for the easy creation and editing of multiple inter-linked Web pages via a Web browser using a

simplified markup language or a WYSIWYG (What You See is What You Get) text editor. Among the uses for Wikis are the creation of collaborative information resource websites, power community websites, and corporate intranets. The most widely recognized and used Wiki is the collaborative encyclopedia Wikipedia. Another much lesser known Wiki that has impact on the judicial system is Judgepedia ([http://judgepedia.org/index.php/Main\\_Page](http://judgepedia.org/index.php/Main_Page)).

## CONCLUSION

In 2010, CCPIO conducted a nationwide opinion survey of judges and court administrators as part of the new media research project. The final report is made available online and offers a framework and analysis for judges and court administrators to use when making decisions about the appropriate use of new media. What are some of the most common ways courts are implementing new media in their communication and outreach programs? What common problems have courts encountered, and what are some of the responses? These and other questions were explored in the project's report (published online and in print form) and were shared with the heads of national judicial associations and other interested parties.

## RESOURCES

- CCPIO New Media Project:  
<http://ccpionewmedia.ning.com/>.
- "Social Media Going to Court," Philip K. Anthony and Christine Martin, *The National Law Journal*, February 3, 2009.  
<http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202427941512>
- "Twitter in the Court: Juror Social Media Use, Internet Research, and Mistrials," Stephen Stine, *American Bar Association; Litigation/Courtroom Technology*, 3/20/2009.  
<http://new.abanet.org/sitetation/Lists/Posts/Post.aspx?ID=466>



- Ron Sylvester, “real time courtroom journalistic reporting using social media,” <http://blogs.kansas.com/courts/>
- “Social Networks Help Judges Do Their Duty,” Miriam Rozen, Texas Lawyer, August 25, 2009. [http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202433293771&Social\\_Networks\\_Help\\_Judges\\_Do\\_Their\\_Duty](http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202433293771&Social_Networks_Help_Judges_Do_Their_Duty)
- Citizen Media Law Project, “Web of Justice?: Jurors’ Use of Social Media,” May 22, 2009, Eric P. Robinson. <http://www.citmedialaw.org/blog/2009/web-justice-jurors-use-social-media>
- “Social Media Crashes The Courtroom,” National Public Radio’s Talk of the Nation, September 17, 2009. <http://www.npr.org/templates/story/story.php?storyId=112926570&ft=1&f=5>
- Conference of Court Public Information Officers. <http://www.ccpio.org/index.htm>
- “Judges Grow Wary of Jurors With BlackBerry,” Christian Nolan, The Connecticut Law Tribune, August 19, 2009. <http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202433137420&rss=ltm>
- “Dozens of Judges Are Getting LinkedIn,” Blogger Notes, American Bar Association; Judiciary Section, August 20, 2009, Debra Cassens Weiss. [http://www.abajournal.com/news/blogger\\_finds\\_dozens\\_of\\_judges\\_with\\_linkedin\\_profiles/](http://www.abajournal.com/news/blogger_finds_dozens_of_judges_with_linkedin_profiles/)

In 2009, the Conference of Court Public Information Officers undertook a year-long national research project systematically examining new media and analyzing its potential effects on court proceedings, transparency, and media coverage of the courts.

The project had five primary objectives: (1) clearly define new media technology; (2) systematically examine ways that courts are using the technology and the ways that technology is impacting the courts and media coverage of the courts; (3) empirically measure the perceptions of judges and top court administrators toward the technology; (4) collect and analyze academic literature on new media effects; and (5) offer analysis and recommendations for judges and court administrators to utilize when making decisions about new media.

More information on this project, including the findings and recommendations, can be found at <http://ccpionewmedia.ning.com>.

# Developing a Media Plan for Your Court

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Carla Smith  
*Chief Deputy Judicial Administrator*  
Orleans Criminal District Court



*The court's media policy should clearly explain pertinent information and serve as a guide.*

Local courts should write a media policy articulating protocol for contacts with the media and distribute the policy to affected stakeholders. Although the media has an interest in many of the cases before the court, classifying cases as high profile is not necessarily uniformly applied. The court's media policy should clearly explain pertinent information and serve as a guide. It is appropriate to identify what information is being requested by the media and to advise the individual that their inquiry will be responded to as soon as possible. The hearing judge should be notified of the request and, if appropriate, referred to the designated media contact. Policy should state that only procedural information is provided and that staff is prohibited from providing advisement on the outcome of proceedings.

## **MEDIA CONTACT**

It is important for the court to present a unified, coherent message to the media and public. As inquiries increase, the process of centralizing responses can foster efficiency and control, and help the court maintain an account of media contacts. For a court to achieve these goals, it is generally best to direct all media to specified personnel. This provides the court with the ability to monitor information disseminated to the public and minimize miscommunication. Designating a media contact person is also important for the purposes of assigning responsibility and accountability for associated tasks that have significant exposure.

Contact numbers for staff responsible for communicating with the media should be posted on the court's website and printed on business cards, news releases, and other appropriate

court documents. Staff should be trained on the court's media policy and acquainted with personnel responsible for responding to the media, given that reporters may initially contact the court's main number. To the extent possible, the primary media contact person should be available by phone 24/7. Modern media are on a 24-hour news cycle, and it is in the court's best interest to provide information whenever it is needed. If the media knows the court has a person taking their calls at any time, they will take advantage of the availability. Ultimately, the court will be fully informed of the media interest and be able to facilitate appropriate and timely responses to queries.

### **WHEN THE MEDIA CONTACT IS THE COURT ADMINISTRATOR**

Some courts may decide that "speaking with one voice" is best handled by the court administrator. Such an arrangement obviously affords the most control over the message that is publicly available, but it may be cumbersome and restrict media access. Alternative options should be considered in instances when the court administrator is not available for comment.

### **COURTROOM CONTACT**

One of the primary issues to consider is who should handle requests for photographing, recording, and broadcasting in the courtroom. In some jurisdictions, cameras are not allowed in the courtroom. In others, it is a decision for each individual judge on a case-by-case basis. Some judges may want the media to directly submit requests. In other courts, the media contact person will receive and process all requests, with the judge making the final decision. Regardless of how it is done, it is important to have the process enumerated in the media policy.

### **OTHER COURT CONTACTS**

Procedural inquiries such as scheduling information are best channeled directly to the courtroom clerk. If direct contact with the clerk is allowed, the court should ensure that a list of court contacts (names and phone numbers) is distributed to all media and posted on the media section of the website.

### **THE MEDIA LIST**

The media list is a critical tool for maintaining media contact. Administrators should develop a current media list and periodically review it to ensure its veracity. For courts that do not have a media directory, a detailed list including newspapers, television and radio stations, local magazines, websites, and other media outlets available in the local market should be developed. Periodicals such as trade publications, professional newsletters (bar association letter), community newspapers, ethnic and cultural newsletters and publications, church bulletins, school newspapers, or media coming from the administrative office of the courts should be reviewed and included if appropriate.

The master list could be whittled down to a smaller media cadre for the purposes of general press releases. In the same vein, an electronic listserv of the group should be created so that press releases can be transmitted simultaneously through email. The Web master should also be included on the distribution list to ensure that the court's website remains current with the latest news releases. The media contact should also maintain a copy of the list so that he or she can address emerging concerns while out of the office.

### **LETTER OF INTRODUCTION**

Once the court has designated a primary contact, a brief letter of introduction should be

forwarded to those on the media list. The letter should be sent in both hard copy and email to make certain it has wider distribution. The media designee should include contact information and availability.

### **RETURN CALLS FROM THE MEDIA**

Media contacts should place a high priority on returning media calls and emails in light of deadlines journalists face. Moreover, it demonstrates professional courtesy and fosters a good working relationship between the institutions. Inquiries requiring research on the part of the court should be responded to even when an answer is not readily available.

The press will likely appreciate the prompt communication and be reassured that the court is working on the inquiry rather than assume their request is being ignored and begin to search for an alternative information source. A daily journal of media inquiries should be maintained for the administrator to reference whenever necessary.

### **PAPERWORK**

It is important for the court to maintain a sufficient supply of request forms for reporters and photographers who appear in person to request permission to electronically document a court proceeding. If the court's media policy allows individual judges to directly handle these requests, an ample supply should be distributed to the respective courts. Request forms should be available to the media on the court's website to make it more convenient for those with access.

A sample court media policy is included as Appendix A.

### **RESOURCES**

Media Handbook for California Court Professionals (2007), Chapter 2.

Conference of Court Public Information Officers. <http://www.ccpio.org/index.htm>

Basic Skills for Disseminating Court Public Information, National Center for State Courts and Media at the National Judicial College. <http://courtsandmedia.org/>

# Working with the Media: High-Profile Cases and Times of Emergency

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Allan Parachini  
Court Public Information Officer  
Los Angeles Superior Court



*The caveat for the court manager is that the Simpson trial was such an aberration that it is not a useful model for today's courts confronting highly visible cases now. It occurred in a media age that has been bypassed by rapidly evolving technology and the profusion of available programming and content—particularly focused on celebrities.*

The media can be a daunting to judges and court managers and personnel particularly if a case has the potential to draw extraordinary media attention. In many instances, the court may be inclined to create impenetrable barriers. The higher profile the case, the greater the risk that courts will forget the most fundamental tenet of media relations: The media are not the enemy.

Since the O.J. Simpson trial in Los Angeles in 1995, the case has come to the minds of many whenever a court receives a high-profile matter. The caveat for the court manager is that the Simpson trial was such an aberration that it is not a useful model for today's courts confronting highly visible cases now. It occurred in a media age that has been bypassed by rapidly evolving technology and the profusion of available programming and content—particularly focused on celebrities.

Planning or assumptions about high-profile cases should not be based on the most extraordinary matters, like the Simpson, Scott Peterson, and Kobe Bryant trials and the various proceedings—civil and criminal—related to Michael Jackson. These incidents are not a reliable planning model for most of the high-visibility cases that may actually occur in most jurisdictions. Referring to high-profile matters as “trials” often mischaracterizes them because like most litigation, these cases do not usually go to trial and the vast majority are civil, not criminal. Individual hearings may create their own media tempests.

Los Angeles is a media environment fundamentally different than that of many jurisdictions. Simply by virtue of who lives in Los Angeles County, a pedestrian family law matter (if the litigants include the owner of the Los Angeles Dodgers), or a conservatorship (if it involves Britney Spears) can attract

international media attention. A routine drug recidivism hearing can draw media attention significant enough that we must develop an operations plan to ensure the safety of the proceeding. A probation revocation hearing in a DUI case such as the one involving Paris Hilton can bring out 75 television cameras and more than 300 journalists.

While high-profile matters may be a daily occurrence in Los Angeles, it does not mean that all courts, in all states, are immune from such circuses invading their jurisdiction. They do. And the case can emerge in an instant. In fact, any court can be drawn into the high-profile media tumult by something as otherwise mundane as a vehicular homicide involving a DUI driver—if that driver is a celebrity. The term “celebrity” can be locally defined. The governor, a member of the state legislature, or even a mayor can have enough local celebrity value to bring out media coverage in concentrations far higher than any court experiences normally, if the situation lends itself to intense public interest. Corruption indictments and fatal car crashes, for example, may be very high-profile cases, if they involve prominent local people.

Here are some issues common to the Los Angeles jurisdiction and, likely, yours:

- Although you may find yourself confronting dozens of news vans and hundreds of reporters, if you are a trial-level court, you are most answerable to your local community. Freezing your own local media outlets out of a high-profile case is a mistake. Even if television networks ranging from NBC to CNN are camped in your parking lot, or TMZ.com and X17online.com have camera crews at every entrance to your courthouse, keep in mind that the local media will still be covering you after the big outlets have departed. You must try to avoid alienating these outlets to the greatest extent possible.
- A fundamental decision for the judge in such a case is whether camera coverage will be permitted. No two states have the same rules for cameras in courtrooms. A couple (Florida and Tennessee) have very permissive rules. Others are more restrictive. A core dilemma, though, is that many in the justice system lament the extreme misimpression of how courts work that is created by police procedures on television, if nothing else. If the public is to understand how the real court system actually works, being able to see it in operation is critical. “Seeing” necessarily means video media.
- A question you will confront early in any high-profile matter is whether to move it from a tiny space to the largest courtroom available. At first, the decision may seem obvious: Choose the largest courtroom to maximize the number of media seats you can offer. But a more fundamental question is raised. Do you want to create the precedent and appearance that courtroom selection is driven by notoriety?
- The most common solution for issues of limited seating in courtrooms is to instruct media that coverage will be on a pool basis. The judge can stipulate that a pool arrangement **must** be used for electronic media coverage. In such a system, typically one still camera and one video camera get into the courtroom and must then share their pictures with all other outlets.
- Limited seating may also require reporting pools, in which one or two reporters are chosen by consensus of media outlets present to act as pool fact-gatherers. When seating is extremely limited, consider creating reporting pools for newspapers, wire services, television outlets, and radio outlets. In today’s media environment, you have to take into consideration, as well, a pool for Internet news outlets. Access for the general public must not be



forgotten, however, and high-profile case media planning must factor in interest among residents of the community.

- A very high priority for any court confronted with a high-profile case must be to ensure that court operations are not disrupted for other judges and customers who are uninvolved in the high-profile case. It is **essential** to remember that, to each person entering a courthouse, the case in which s/he is involved is just as important—or more so—as a prominent actress’s shoplifting trial. Noise in hallways created by media people lurking outside the courtroom with the high-profile case can disrupt business in nearby courtrooms. Court operations must maintain normalcy to the extent possible for other judges, attorneys, and litigants.
- Advance planning for parking will work to your advantage, provided you remember that most news vans cannot fit into parking structures and trucks engaged in live coverage must be positioned so they can transmit a live picture. Sending a signal to a satellite requires precise placement of the truck-based transmitter.
- If you anticipate that a courtroom will be unable to accommodate a large media crowd and the case promises to be lengthy, consideration can be given to creating a closed-circuit viewing room. Today’s video conferencing technology makes this possible in many settings. The viewing room does not necessarily need to be in the courthouse itself.

In situations in which the judge prohibits camera coverage, courtroom sketch artists may wish to attend. On the one hand, they are creating images for broadcast. On the other hand, they are fundamentally doing nothing but taking notes. In any situation that could attract courtroom artists, the status question must be resolved within your court. Some states, like California, make sketch artists specifically exempt from camera-regulation rules.

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*Arguably, the meaning of “journalist” cannot be construed to exclude bloggers or people associated with the growing market segment of online national and local news websites. These outlets are challenging—and may soon supplant—coverage of courts by traditional newspapers. A court that tries to take on the task of defining “news” or “journalism” risks finding itself in a First Amendment struggle.*

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As the Internet era is upon us—and, in particular, ranging from Twitter and other social media outlets to blogging—an additional challenge will be determining who is a journalist and who is not. Is any blogger who writes about events inside a courtroom a reporter?

Across the country, smaller local markets are clinging to their daily newspapers more tenaciously than many larger regions. Los Angeles, for example, now lacks a truly regionally dominant newspaper. However, since courts are traditionally change-averse institutions, the impression remains among many judges and court staff members that news coverage means newspaper coverage.

Newspapers have already lost the competition to remain the most influential and broadly relied upon medium in news. However, when the newspaper business emerges from its current predicament, it will be into a world where the most important places for courts to tell their stories are in Web-based and other new media.

In the last few years, the profusion of electronic devices that can email and text messages has created another dilemma: whether to permit such devices to be used in a courtroom crowded with news people to transmit information to the outside. Many judges are instinctively uncomfortable with this, but if appropriate steps are taken to avoid PDAs, laptops, and the like from



being used as cameras, courtroom disruption caused by reporters getting up from their seats and going to and from the door can be avoided almost entirely.

One of the most challenging elements of high-profile case media management is demand for documents. In this regard, scanning, email, and the Internet can be very useful to the court. Maximum use of electronic technology—possibly to include creation of a special website for high-profile matters—should be considered in every such case.

Dealing with the media is not only difficult in high-profile cases, but if a court is in a part of the country where natural disaster events occur periodically – earthquakes, hurricanes, and floods chief among them – courthouses may suddenly become unusable. Communication even internally with the court family may be difficult.

A person whose responsibilities include media relations must live with a basic reality – being available is 90 percent of success in this field. A media relations person should be willing to provide his/her off-hours communications availability, including cell phone numbers. It is true that there will inevitably be calls outside of working hours, but it is often true that whoever responds to a reporter's questions first gets the most sympathetic attention. As disruptive as it can be, availability and accessibility are important, especially in a time of an emergency.

In times of emergency, it is important to have good ongoing relationships with local police and fire departments. Fire departments are likely to be the first to know what court facilities have been damaged, how severely, and where they are. In Southern California, for instance, fire stations immediately dispatch equipment to conduct an evaluation patrol of their major geographic areas.

In a disaster situation, courts will not be on the first tier of importance for the disaster response team. Taking care of a traffic ticket, for example, is unlikely to be a customer's most urgent need after a severe earthquake. Courts, however, must be able to respond to media queries soon after the initial shock of a disaster has passed. Courts should ensure that a media response plan is part of their continuity of operations planning process to facilitate this process.

Throughout any experience with a high-profile case or emergency situation, it is most important to keep your perspective. Justice requires that all cases be treated equally, but matters involving celebrities or disasters create conditions that are anything but normal for the justice system. A high-profile case is only as important as every other case being heard that day. Good planning is the best way to ensure a composed atmosphere.

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Portions of this chapter are borrowed or adapted from an excellent resource: *Media Handbook for California Court Professionals*, published in 2007 by the Judicial Council of California through the Administrative Office of the Courts. Portions are also based on "Managing the Media," an article by the author in *California Courts Review*, published by the Judicial Council and Administrative Office of the Courts, Summer 2006.

More detailed information for dealing with high-profile trials can be found in the publication, *Managing Notorious Trials: Practical Aspects of the High-Profile Case* (Murphy, Hannaford, Loveland, and Munsterman; National Center for State Courts, 1998).

# Using a Court Public Information Officer Effectively

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Ron Keefover  
*Education-Information Officer*  
*Office of Judicial Administration, Kansas Supreme Court*  
*Past President*  
*Conference of Court Public Information Officers*



*A court PIO can also prove effective by initiating programs and projects in helping the public understand the law and the court's role.*

So, your court budget now permits designating someone as public information officer. Your court will now be among the more than 120 other jurisdictions that have hired court public information officers to serve as liaisons between the judiciary and the public. The numbers are known by virtue of their membership in the Conference of Court Public Information Officers, a national organization of Court PIOs whose members come from all levels of the courts, including the trial courts, appellate courts, federal courts, the U.S. Supreme Court, and administrative offices of the courts. These positions have grown from a handful in the mid-1980s to approximately 120 members today. In addition, numerous others who are designated as court PIOs have been identified (notably in California and Florida) but have not become members, due in large part to budgetary constraints.

Getting the position authorized is but the beginning of the process. How best that person can be used will vary from court to court and with their level in the court structure. The job of a court PIO in a metropolitan court is different in many ways from a court PIO with appellate and statewide responsibility. Nonetheless, a court PIO is typically responsible for media and public relations, community outreach, education, and publications. A court PIO may also be involved in legislative and governmental affairs, internal communications, law-related education, and supervisory management roles, such as overseeing a public information office or website maintenance personnel.

## AS MEDIA RELATIONS PROFESSIONAL

The most commonly effective use of a court PIO is in media relations, with the primary objective to generate goodwill and public understanding of the law. Arriving at that goal can be achieved by a number of media relations tactics, including the press conference, news release, media advisories, op-ed articles, print and broadcast interviews, speech writing, and advice to high-level court executives and judges on current media issues.

## AS THE COURT SPOKESPERSON

Central to the court PIO's duty is the concept that the PIO can serve as the primary contact for media personnel. Many jurisdictions that have a court PIO have a verbal, and perhaps written, policy directing court personnel to refer all media matters to the court public information office. Apart from enabling the court to address matters with one voice, the policy reduces apprehension among staff who are uncomfortable talking to media representatives but enables them to respond to basic calendar information. Other specifics can then be directed to the court PIO.

Staff members receiving a media call should identify the information being sought and associated deadlines, then advise the reporter that the call will be returned as soon as possible. If the call comes to a judge's chamber, the typical policy directs the staff member to forward the request to the judge and to log the call and the reporter's contact information so it can be added to the district's media contact list. In most cases, the judge will want the court PIO to either answer the inquiry or facilitate an interview with the judge, if warranted. (A sample media call policy is noted in Appendix B).

## EDUCATING AND INFORMING THE PUBLIC

A court PIO can also prove effective by initiating programs and projects in helping the public

understand the law and the court's role. At the appellate level, the court PIO can summarize matters on appeal for both hearings and decisions. Prehearing summaries can be relatively short and designed to enable the media to make news judgments about which oral arguments they may want to cover. The summaries can also direct reporters to the attorney briefs in the appeals. Similarly, the summaries for opinion day can be brief and serve as a guidepost to the full text of the decision. A goal of the summaries is to highlight the decision's rationale for the resulting effect of the court decision. For instance, a summary concisely identifying *why* a defendant's conviction had to be reversed can educate the public in a more informative manner than a reporter's story that only reports the result of the decision. These summaries are becoming more indispensable given today's dwindling field of news reporting. Reporters who remain on news staffs and cover the courts can be inexperienced in covering legal proceedings or may simply not have the time to read through a judge's opinion. (Some judges address the issue by providing a capsule of the opinion's holdings at its beginning, ahead of the attendant legal research.) Summaries can be vital to a reporter's understanding of a complex court decision.

At the trial court level, a similar approach can be used to release information regarding decisions that draw media interest. Media advisories can be used to notify the media of filing dates and the scheduling of court proceedings. Advisories can also eliminate the need for reporters to contact the court at the end of the day to "find out what happened in court." The court PIO can be responsible for posting the court's decisions or transcripts of proceedings on the court website. Postings must be timely and easy to find in order to serve as an effective tool. The court PIO can also direct reporters to the postings via electronic listservs as decisions are released.

## AS POINT OF CONTACT FOR HIGH-PROFILE TRIALS

The court PIO can be particularly useful in high-profile cases when the court is inundated with requests for information. Many states have appellate level court PIOs who also handle the occasional high-profile trials at the district court levels.

The court PIO's initial responsibility is to develop a media plan for the high-profile case. The plan addresses all media matters, including

where media and equipment will be permitted and prohibited. The plan can include courtroom seating charts, decorum orders, a copy of the charging document, biographical information on the judge, instructions for obtaining

copies of documents (or direction on how to obtain them from the Web), contact information for the court PIO, courtroom and hallway camera protocol, pooling arrangements, and any other components needed for the particular case.

The court PIO can also be used to handle cases that garner "national interest." The Internet enables public information for these cases in rural areas to be managed remotely. Ad hoc websites for public interest cases can be created so that both local and national media can access court documents and scheduling information. Among other things, the websites offer information on attorney filings and court orders relating to pretrial publicity, cameras in the courtroom, and court security measures. Consider the media attention regarding a case involving the failure of a multi-county grain bin operation. In this case, both the media and public were able to access information regarding the monthly grain inventory reports that affected several counties.

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*Courts effectively use the court PIO as the point of contact for cases that draw scores of media outlets, thus enabling the judge and court personnel to focus their efforts on administering the case.*

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## AS A SPEECH WRITER

Beyond educating and informing the media and public about court cases and decisions, the court PIO can be used to write speeches or develop talking points for judges and court executives. Therefore, the PIO should be a good writer and be able to communicate effectively. While some judges prefer to develop their own presentations, the court PIO can serve an advisory role to determine if the need is being met. For instance, is the diction, voice and style, age- and

audience-appropriate? Is it too legalistic for a particular audience? Are there graphics the court PIO could prepare as an audio visual aid? Could the presentation be better presented as a PowerPoint?

The court PIO can maintain a repository of speeches and other presentations so that an inquiring judge or court manager can research a particular subject area. Members of the Conference of Court Public Information Officers have access to a national and international listserv from which members can solicit feedback from court managers and judges in other jurisdictions on a topic. (The listserv can be a resource for information relating to any number of questions a court manager or judge may have relating to court business in other areas of the country and some international courts.) In addition to listserv technology, the court PIO can also store media clippings and online videos that judges and court managers may find useful in preparing speeches and other presentations. Most court PIOs use a newspaper clipping service to keep the court informed of what is promulgated and monitor Internet, television, and other video news services relating to their court – all of which can be used to develop presentations.

The court PIO can also manage the court website. Many PIOs have both the public relations skills to know what should be posted and technical expertise to know how to post the material to the Web. To that end, a PIO can work with IT staff so that requests are not received from an unmanageable

number of court personnel, which can result in redundant and even contradictory information being posted. The court PIO can be tasked with the responsibility of responding to website inquiries. The website should have an email address where readers can submit questions.

In many instances, Web-generated questions will seek legal advice, something court personnel, including the PIO, are not able to provide. A standard reply for these inquiries is advisable.

## EDUCATING AND INFORMING THE MEDIA ABOUT THE COURTS

The task of educating the media about the workings of a court should be designated to the court PIO. Similarly, the PIO can serve a central role in educating the judges and court staff about the media. Several court PIOs have media programs that serve as a sort of “law school for journalists.” The programs can be statewide, regional, or court-specific, designed to instruct journalists about the organizational structure, policies, and practices of the court.

Court managers typically endorse the seminars because they provide a forum to interact with journalists covering the court. Some of the seminars include civil and criminal procedure, ethics in journalism, and the local legal culture. Law school for journalists programs also provide an opportunity for judges and journalists to discuss the legality of court process and procedure.

## COURT PUBLICATIONS AND VIDEOS

Notwithstanding the electronic age of communication, the need to develop printed materials and information for individuals who require an orientation to the court remains. One such handout used in court is a “Visitor’s Guide to

the Court.” The guide generally includes a description of cases, a map of the facility, including courtrooms and offices, hours of operation, telephone numbers, and website URLs.

A court PIO can produce booklets to describe the mission, structure, and purpose

of the court, including the process of becoming a judge, the jury system, types of courts, caseload numbers, and the role of court personnel.

The publications produced by the court PIO vary. For instance, some are specific to particular divisions of the court, such as family and juvenile courts, small claims, traffic, drug courts, probate, and other specialty courts that demonstrate a need to educate the court users about procedure and general information.

Many courts are using videos and slide presentations to provide information to the public. The court PIO can write the script and otherwise coordinate the production of videos and presentations. As with printed publications, videos and presentations can be uploaded to the court website by the PIO.

Many jurisdictions strive to improve relationships with the executive and legislative branches through traditional lobbying outreach, such as testimony before legislative committees and personal contact with individual city and county commissioners, state legislators, and members of Congress. Court PIOs have launched programs to bring government counterparts into the courtroom by inviting the official to spend a day in

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*A court PIO can produce booklets to describe the mission, structure, and purpose of the court, including the process of becoming a judge, the jury system, types of courts, caseload numbers, and the role of court personnel.*

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court with a local judge. Legislators can actually sit next to the judge during court proceedings to see firsthand the problems and issues that confront the judge on a daily basis. During the visit, legislators are orientated to court operations and participate in meetings with judicial and non-judicial court managers. Court PIOs prepare news releases announcing participation by local legislative delegations, individual legislators, or city and county commissioners and invite the local media to shadow the public official through the program. The program highlights the court's important work and role in administering justice while concurrently educating the public and other government branches, which are ultimately responsible for funding its operation.

These educational outreach programs are designed to provide basic information about court operations and structure for newly elected legislators. The sessions can also be developed with a particular focus, which can impact the legislator's understanding of the law. For example, constitutional challenges attorneys raise regarding new legislation can benefit the legislator as he or she sponsors a bill. The program need not be centered on statewide legislators; similar programs could be offered at the local level for newly elected city and county commissioners, who can likewise affect the court's budget.

Many court PIOs have developed law-related education and citizenship education programs to foster a greater understanding of the law. In many states, these programs function under the auspices of the state bar association, state administrative office of the courts, or state department of education. Other efforts are underway nationally to make law-related education a part of the academic curriculum. The court PIO can be used to implement and maintain these programs, considering that many PIOs are designated to coordinate ceremonial investitures, court tours, and other events.

The Kansas court PIO's educational efforts, in particular, include regional and statewide law-related education workshops for high school students, publications of law-related education newsletters for teachers, interactive role plays of major Supreme Court cases, conducting appellate hearings in high school auditoriums, local in-service teacher trainings, and statewide teacher law institutes. The Kansas court PIO organized and presented an interactive video program to commemorate Law Day. The program was cited by the American Bar Association as the "most outstanding" Law Day program for 1995. The program was an interactive video depicting a "town hall" meeting staged for a high school audience that originated from the supreme court courtroom in Topeka. The program consisted of Law Day remarks, questions, and answers by the state's top governmental officials, including the governor, attorney general, chief justice, and legislative leadership. The video linked the supreme court courtroom to two high school government classes located in Wichita, a distance of 130 miles. The live dialogue was transmitted to a satellite so that classes across the state could observe. Informational packets with an explanation of the court organization and biographies of presenters were prepared for the teachers. The ABA noted that the program was the first of its kind, launching Law Day into the technological age.

A discussion of the effective use of a court PIO would not be complete without including the need for publications and websites to support the mission. Some Court PIOs have produced brief (7- to 10-minute), professional quality videos for use in presentations to civil groups. The Internet, however, remains the most cost-efficient tool in reaching the public. The website can be used for a wide range of court news and topics that the news media may choose not to cover but are nonetheless available to the public.

For example, judicial retention elections are

rarely covered by the media, yet are important for voters who require the information to cast their vote. Many court PIOs are posting judges' photos and biographies online, as well as links to judicial decisions they authored. The constituency can be directed to the website so they can make a more informed decision. Opinion pages can feature a keyword search that allows users to type in any policy issue incorporated in a judge's decision. The Web page can also provide electronic copies of publications,

including caseload statistical reports, local court rules, calendars, courthouse locations and operating hours, and visitor guides to the court.

*Appendix C enumerates the responsibilities of a court PIO. Other information is available from the Conference of Court Public Information Officers (CCPIO) at <http://www.ccpio.org/>.*



# How to Speak to the Media

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Charlie Hall  
*Communications Director*  
Justice at Stake



*Court personnel and judges find it challenging to defend the court's proper role while upholding the public's trust and confidence in the system.*

It is often said that the U.S. Supreme Court handles fewer than 100 cases a year, yet draws nearly all of the attention from the American public regarding the country's court system. Many court administrators and public information officers, however, can attest that this focus of attention is not entirely true. A controversial decision or high-profile case can bring media focus to any courthouse, however local. In such instances, court personnel and judges find it challenging to defend the court's proper role while upholding the public's trust and confidence in the system.

In 2005, the Justice at Stake Campaign published *Speak to American Values*,<sup>9</sup> a handbook on public messaging and the courts. At the time, state and federal courts were under unprecedented attack by special interest groups calling for reshaping elected courts and impeaching select judges. The handbook is based on in-depth opinion research (focus groups and national polling) about American attitudes toward the courts. It annotates five core principles and represents a good starting point, especially when tailored to the kinds of scenarios that most often embroil a local or state court system.

The following are the five “Do’s” and a few “Don’ts.”

- **Do stick to a core message** that focuses on the role of courts, which is to apply the law fairly and impartially to individual disputes. This role is essential to democracy, and by design, may not always be popular.
- **Speak to American values** in describing the courts' function. As the JAS guide (also referenced as the Green Book) indicates, “Connect with a bipartisan majority of Americans by talking about the role of courts in protecting individual rights and ensuring everyone a day in court.”

<sup>9</sup>The handbook is available at [www.justiceatstake.org](http://www.justiceatstake.org).

- **Describe the threat.** Americans, while they often lack in-depth knowledge about the courts, become apprehensive when they learn of stories that chronicle the politicking and partisanship that sometimes encroaches on the third branch. In local cases, appeals to “cooler heads” can help ease the backlash against courts, even when a specific decision is not widely held.

- **Embrace accountability.** People generally want courts to be accountable—but to the Constitution and the law, not to politicians and special interests.

- **Don’t be distracted.** “Don’t get trapped,” the Green Book advises, “debating controversial decisions or terms like ‘judicial activism.’ ”

These principles are based on polling data that show widespread support for the proper role of courts. For instance, 94 percent either strongly agreed or agreed with the statement, “We need strong courts that are free from political interference.”

With respect to some important “Don’ts” regarding public communication, administrators should consider the following: The public reacts negatively to the suggestion that judges are not bound to the law and that they are free to impose their preferences in cases. The Green Book emphasizes “fair and impartial courts,” rather than “judicial independence.” It favors “upholding” the law, rather than “interpreting” the law. In addition, it recommends talking about “courts,” which are institutions, as opposed to “judges,” who (like other persons) may be perceived as subjective.

How might these thoughts apply to local courts? First, never ignore a problem. In the age

of information technology, a local controversy can become a prevalent news story. In 2005, a sex offender’s sentence in Vermont was seen by many as too light. In response, a national cable news network targeted the story, which incited many to demand the judge’s removal. Second, emphasize accountability. When periodic horror stories occur, either from judicial misbehavior or because

a defendant commits a crime following his or her release, the public anger that these circumstances incite is entirely understandable and should be addressed responsibly.

If further review is warranted by either an appeal or judicial disciplinary review, the available recourse should be communicated without delay. In the end, the public must be assured that the court is accountable to the law.

Finally, the court should be prepared for a variety of circumstances and events that can generate media attention. To that end, administrators should confer regularly with leaders of the bar association and have a trained “rapid response” team to develop and convey the legal community’s position. Judges are enjoined by ethical standards from discussing specific cases; therefore, they can benefit from having a broader network of support in responding to the media. The American Bar Association handbook, *Rapid Response to Unfair and Unjust Criticism of Judges*, offers tips for creating and training such a network.<sup>10</sup>

A media feeding frenzy is the worst possible time to devise messages to protect your courts. Having a game plan now, one rooted in core American beliefs and values, can save you a distressing environment later.

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*If a judge appears to be following the law, however unpopular, explaining the role of courts is helpful and important.*

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<sup>10</sup> The guide is available at [http://www.abanet.org/judind/toolkit/impartialcourts/Rapid\\_Response\\_Pamphlet.pdf](http://www.abanet.org/judind/toolkit/impartialcourts/Rapid_Response_Pamphlet.pdf).

# Orienting Reporters to the Courts

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Amanda Todd  
Court Information Officer  
Wisconsin Court System



*The dearth of trained reporters who understand the justice system is something administrators must address because of the profound effect it has on the courts.*

Once upon a time, reporters were assigned to the court beat or covered the courts as part of the crime beat. They spent time getting to know the judges, attorneys, and court staff, and generally worked to build expertise. These reporters could be relied upon to track issues and produce reports that were, by and large, thorough and accurate. When the time came to move on to a new beat, they trained their replacement.

Today, many media outlets have eliminated the beat system beyond the occasional “consumer” or “medical” beat that can morph to fit nearly any topic. The evolution toward general assignment reporting began long before the economic downfall, but the recession has solidified and confirmed that there is little room for specialization in newsrooms that are doing more with less.

The dearth of trained reporters who understand the justice system is something administrators must address because of the profound effect it has on the courts. Judges and court staff find themselves spending more time explaining basic court procedures to reporters and dealing with issues that arise when reporters fail to follow the rules. In the end, the news coverage may bear little resemblance to what actually occurred in court.

As many judges and court staff have discovered, there is an opportunity here. Administrators can work with journalists to help them understand the courts. Doing so opens the lines of communication that can help to improve accuracy and put the court in a position to pitch stories on important issues and initiatives that might otherwise go unremarked.

This opportunity, however, is tempered by other issues. Training reporters is a time-consuming proposition, which often does not produce the immediate and desired change in the level of accuracy. The process is perpetual. During my 17 years as court information officer in Wisconsin, I have oriented dozens of

reporters to the trial and appellate courts. The correlation is unsubstantiated, but they seem to resign or transfer to the business desk immediately following my orientation – and so a new training cycle begins.

I continue to provide orientation to new reporters covering the courts for one fundamental reason: it needs doing, and no else does it. In most markets, journalists who are new to the courts will benefit from an orientation from court staff and judges. How can the court accomplish this? The following are three suggestions:

### **1. Provide individual orientations**

When a new reporter is assigned, the individual should be contacted directly and offered a tour of the local courthouse. The reporter should be introduced to key staff and given written materials that he/she might find useful. Written materials may include a copy of the judicial ethics code, the rules covering cameras in court, flowcharts that lay out the anatomy of a civil and criminal case, a glossary of common legal terms, and a court system directory. The court should ensure that the reporter understands you are available to explain procedures but cannot comment on specific cases.

Some judges find it helpful to invite the reporter to “shadow” the court for a half day on the bench. This is particularly helpful in establishing a working relationship with the reporter, and it gives the court an opportunity to suggest ideas for future stories.

### **2. Conduct judge-journalist roundtable discussions**

The court should periodically (at least every two years) conduct a two-hour roundtable session with the media. The agenda may include an update on a few key justice issues and a discussion of court/media relations (what’s working, what’s not). The judges should be present, with a tour of the facilities included. The session should be “on-the-record,” in that many reporters will need to produce a story in order to be given the time to attend. The written materials provided at the individual orientations should be provided and discussed.

### **3. Speak at meetings of journalist associations**

There are a number of practices the court can implement to orientate reporters to the justice system. One suggestion is to contact the director of your state’s newspaper association or broadcasters association and suggest an agenda topic for the next annual conference. These groups are always looking for relevant, substantive presentations. A few ideas that have worked well include truth-in-sentencing, how judges make decisions, the jury system, alternatives to incarceration, specialty courts, and a day in the life of a judge.

A small amount of time spent explaining procedures and engaging in dialogue will improve the accuracy of coverage.

# Working with the Spanish-Language Media

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Jessica Funkhouser  
Special Counsel/Court Public Information Officer  
Superior Court of Arizona, Maricopa County



*Courts throughout the United States have Hispanic populations that are growing; as such, it presents an opportunity to communicate with them through a variety of Spanish-language media.*

Population trends show that the number of Hispanics in the United States is increasing. This presents an opportunity for courts to convey their messages to a growing population. To communicate effectively, it is important to understand the types of Spanish-Language media that are most used, determine issues that are of the greatest interest to the Hispanic population, and develop strategies for networking with reporters and news directors for these media.

## HISPANIC POPULATION TRENDS

According to the 1990 Census, there were 22.4 million Hispanics in the United States. In 2000, the Hispanic population increased to 35.3 million. By 2020, the U.S. Census Bureau projected the number would increase to 59.7 million, and by 2050 they estimated the number would almost double to 102.6 million (United States Census Bureau n.d.). With respect to the percentage of the population, Hispanics represented 9 percent of the population in the United States in 1990 and in 2000 increased to 12.5 percent. By 2020, the percentage is expected to increase to 17.8 percent, and by 2050, Hispanics will comprise an estimated 24.4 percent of the populace (United States Census Bureau n.d.).

In 2006, the states with the greatest number of Hispanics included California, Texas, Florida, New York, and Illinois (United States Census Bureau 2006). Between 2000 and 2006, the states with the greatest growth rate of Hispanics included Arkansas, Georgia, South Carolina, Tennessee, and North Carolina (United States Census Bureau 2006).

Approximately one in eight U.S. household residents speaks Spanish. Among those who speak Spanish at home, more than one-half are proficient in English (United States Census Bureau

2005). While bilingual Hispanics report that they obtain information in both English and Spanish (Hutton 2010), a significant portion of the population is comfortable communicating only in Spanish.

## SPANISH LANGUAGE MEDIA RESOURCES

The Center for Spanish Language Media at the University of North Texas has a wealth of information about trends in Spanish-language media.<sup>11</sup> One resource is the *State of Spanish Language Media Annual Report*. The 2009 annual report reported that while some English language media outlets are declining, the Spanish-language media is growing. Some interesting highlights from the report include the following:

- Univision Television's local newscasts ranked number 1 over all news programs, regardless of language, for adult viewers aged 19 to 34 in New York, Los Angeles, and Chicago (Dyer 2010, 9).
- In March 2009, the Nielsen Sweeps revealed that Univision's adult viewership increased by 5 percent, while the major English language networks decreased by 3 percent (Dyer 2010).
- Spanish-language newspapers are published in 46 states in 190 markets, an increase of 100 markets from the year 2000 (Dyer 2010, 16).
- Chicago's newspaper, *La Raza*, readership increased 9 percent in 2009, while Chicago's English-language newspapers declined by 7 percent (Dyer 2010, 19).
- Spanish-language radio received \$751 million in advertising revenues in 2009, with the U.S. government increasing its advertising on Spanish-language radio by 94 percent between 2008 and 2009. (Hutton, "The State of Spanish Language Media Industries: A Summary of Spanish Language Radio," 2009 2010, 1).

- The top five radio stations were based in Los Angeles and New York (Hutton, "The State of Spanish Language Media Industries: A Summary of Spanish Language Radio," 2009 2010).
- Use of the Internet by the Hispanic population is increasing, reaching 54 percent of the Hispanic population compared to 69 percent of the total U.S. adult population (Olivas 2010).
- There is increased interest among Hispanics for using the internet for social networking, and "Hispanic online users tend to be young, mobile, and bilingual" (Olivas 2010).
- More than one-half of Hispanics in the U.S. are more comfortable speaking Spanish, but those who are bilingual are comfortable using both English- and Spanish-language media (Hutton, "The State of Spanish Language Media Industries: A Summary of Spanish Language Advertising," 2009 2010, 30).

These trends demonstrate that the Spanish-language media is not provincial to the Southwest. Courts throughout the United States have Hispanic populations that are growing; as such, it presents an opportunity to communicate with them through a variety of Spanish-language media.

## TOPICS OF PARTICULAR INTEREST TO THE HISPANIC COMMUNITY

English-language newspapers and local television stations tend to focus on the facts of particular high-profile cases. Conversely, Spanish-language media is centered on court processes, programs, policy issues, and individuals who work at the court, particularly judicial officers. They concentrate on explaining the American justice system to recent immigrants and Spanish-speaking citizens.

<sup>11</sup> <http://www.spanishmedia.unt.edu/>



Because court officers cannot give legal advice, it is important to anticipate the types of questions that may be asked in interviews. Court interpreters can be a useful resource for planning how to respond appropriately given cultural differences that can sometimes distort the message. Consider the following questions that were raised by reporters for the Spanish-language media in Maricopa County, Arizona:

1. What are the qualifications for jury service? Will an interpreter be provided for a Spanish-speaking person who has been called to jury service? Will a person be excused from jury service if he or she is not proficient in the English language?
2. How and where can a person obtain an order of protection or obtain child custody or child support?
3. Does the court ask a person to prove their citizenship in every type of case? What happens if the judge finds out that a person is undocumented? What happens if one or both of the parents are undocumented, but a child in a child custody case is a U.S. citizen? Can a person get an interpreter for criminal, civil, and family court cases? Who covers the cost for an interpreter in each of these types of cases?
4. What is being done about neighborhood blight and graffiti? What are the penalties for graffiti and vandalism?
5. How can a person obtain an attorney for a criminal, civil, or family court case?
6. Why are human smuggling cases heard in a state trial court?
7. Who is eligible for the Spanish-language D.U.I. court probation program? What does a person need to do to “graduate” from the program? What happens if they do not comply with the program requirements?
8. Are there other programs and resources, such as pamphlets and court forms, for Spanish speakers? Will someone at the court assist with explaining and filling out the forms?

The Spanish-language media in Maricopa County has also featured stories about Hispanic judicial officers highlighting their success, background, motivation in pursuing a career in law, and vision for the court and community. One-on-one interviews are excellent opportunities to foster relationships with reporters and the targeted market.

## STRATEGIES FOR EFFECTIVE COMMUNICATION WITH THE SPANISH-LANGUAGE MEDIA

Reaching out to the reporters and news directors in the Spanish-language media creates opportunities for courts to inform the community about some of the positive stories in the courts, address misconceptions, and orientate Spanish-speaking litigants and customers with using court resources and complying with policy and procedure. Some of the outreach strategies in Maricopa County, Arizona, include the following:

**Appointment of a bilingual Community Outreach Director.** The responsibilities of the individual include acting as a point of contact for the Spanish-language reporters, developing and maintaining contacts, and scheduling meetings and interviews.

**Quarterly meetings with Spanish-language media representatives.** Spanish-speaking judicial officers and court personnel communicate in Spanish and English with the reporters at regularly-scheduled meetings. A certified court interpreter also attends to interpret for English speakers present and to ensure that correct legal terminology is used.

**Spanish-language press releases.** For information of particular interest to the

Spanish-speaking community, the press release is translated. For press releases of general interest, only the headline is translated. If the court matter generates interest following the press release, a bilingual court representative provides additional information to the reporter.

**Use of Spanish language on the court's website.** While it is not practical to translate the entire website, areas of more common interest, such as jury service, may have information in Spanish.

**Regular columns.** Weekly newspapers are likely to welcome a regular column from the court. Court staff may prepare an article in English and a court interpreter can translate the article for submission.

**Social Media.** In an effort to reach the next generation of citizens, including reporters, courts have begun to use Facebook to create pages for court information and Twitter to announce court events, such as the return of verdicts. To reach the Hispanic population, courts may incorporate Spanish-language information and alerts.

## CONCLUSION

Some of the strategies for communicating with the Spanish-language media can be used in other communities as well where a significant portion of court users speak languages other than English. Courts may take advantage of opportunities to communicate with the community through select media outlets to promulgate court messages regarding jury service, use of available resources, and other relevant policies and processes. Finally, and perhaps most importantly, it provides the court a unique opportunity to share the mission and vision of the court in a way where the language barrier cannot impede it.

*Editor's Note: An example of a short column for a weekly newspaper in English and Spanish is located in Appendix D.*

# Electronics in the Courtroom

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

John Kostouros  
Communications Director/Director of State Court Information Office  
Minnesota Judicial Branch



*As the courts attempt to resolve the demand brought by these new communication mediums – such as Twitter – efforts can be stymied by rules on permissible technology that in many instances were written decades earlier.*

When the vehemently contested 2009 Minnesota U.S. Senate election ended nearly tied, and a recount found Democrat Al Franken the winner, Republican Norm Coleman filed a lawsuit. When the trial began on January 26, 2009, there was the expected contingent of print, radio, and television reporters, with television and radio stations taking turns providing a “pool feed” accessible to other stations. A sketch artist from a local paper also attended.

There was, however, a new development to the coverage. Before the trial started, the state’s court information office got a request from a nonprofit organization called *The Uptake.org* to provide start-to-finish webcasting of the trial. It was the first time anyone could remember such a request. After some deliberation, the request was granted, and the result was the first live webcast of a Minnesota trial.

Many reporters entering the courtroom also brought in handheld digital recorders that they were allowed to lay across the railing separating the gallery from the bench and trial participants. Some argued that since a television, a still, and a webcast camera were being allowed, they should also be allowed to take pictures with their cell phone cameras. The request was denied, since Minnesota court rules only allow one camera per medium in order to minimize disruptions to the proceedings. When the trial ended and the finding was appealed to the Minnesota Supreme Court, the same coterie of digital equipment users descended upon the supreme court for oral arguments.

Digital technology has increased the scope of work for information office staff, which commenced on the initial day of trial when the audio feed from the court developed a loud buzzing

noise (the result of a faulty sound mixer). In light of the fact that media from around the nation were covering the trial, the pressure to remedy the feed problem was salient (a mixer was quickly taken from another courtroom and installed to resolve the problem).

The burgeoning of the digital age is beginning to impact the courts and must be thoughtfully considered by administrators. As the courts attempt to resolve the demand brought by these new communication mediums – such as Twitter – efforts can be stymied by rules on permissible technology that in many instances were written decades earlier. During the Minnesota senate trial, reporters wanted to use laptops or cell phones to send text messages, emails, and Twitter feeds about what was going on inside the courtroom. They were ultimately prohibited from sending messages while the court was in session because the judges were concerned that the tapping sound would be disruptive.

Tennessee reporters, however regularly text, blog, and Tweet from courtrooms with few complaints, according to the public information officer for the Tennessee Supreme Court. In another instance, a judge overseeing a murder trial in Florida ordered reporters to stop blogging or texting from the courtroom, claiming that it was distracting to the jurors and to the court. The order banning live blogging proceeded to an appeals court, which reversed the order but stipulated that the court could prohibit the activity if the court believed it was distracting. The judge, citing the confusion surrounding the use of “new media” in courtrooms, urged the Florida Supreme Court to update the 1979 rules that address the use of media technology in courtrooms.

In Harrisburg, Pennsylvania, reporters – who were prohibited from using cameras during trials without special permission of the court – began posting Twitter messages during a trial involving a high-ranking legislator and two of his aides.

The defense objected, contending that the live commentary would taint the testimony of future witnesses, but the judge allowed the Tweeting. A Huntsville, Alabama, judge also allowed live blogging during a murder trial over the objections of defense counsel, who argued that the blogging could adversely affect witness testimony.

Sam Bayard, of Harvard University’s Citizen Media Law Project, finds that “It’s becoming an issue more and more,” adding that “The rules vary from jurisdiction to jurisdiction, and quite often, this comes down to whether a particular judge thinks that this is a good idea or not” (Thompson 2010).

Disputes over the use of newer communications media were not restricted to journalists in 2010. Jurors had to be ordered to stop blogging, texting, and posting comments about their trial on Facebook, despite explicit jury instructions provided at the beginning of trial that directed them not to discuss the case with anyone until after the trial.

In Minnesota, two court employees had to be admonished when it was discovered that they had been commenting about a trial on their Facebook pages, and a law clerk was caught Tweeting about a trial. In response, the judiciary modified its employee ethics policy to include commenting on cases through new “social media” in its prohibition on employees making public comments about court cases.

In Utah, a reporter had a newspaper photographer who was providing pool coverage for the trial digitally enhance a photo to determine and report on what had been written on a note handed to the judge. In another Utah case, a defendant failed to appear in court, but his wife was present. When she heard that the prosecutor was going to seize the couple’s snowmobiles, she texted her husband to hide them. Another individual sitting near the woman noticed and

informed the bailiff. The judge was advised and ordered the woman taken into custody.

As the use of digital and social media to report on court proceedings continues to evolve and becomes more commonplace in contemporary society, it's clear that court managers will need to revisit rules governing the use of technology in the courtroom. The anecdotes referenced here demonstrate that rules addressing the use of

television cameras and audio recording equipment in courtrooms are delimited in the age of portable computers, smart phones, Facebook, Twitter, and blogging and should be appropriately expanded to include these new forms of communication devices that are widely used by reporters and the public.

# Evaluating Media Relations

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

Tom Hodson  
Director of Journalism  
Ohio University



*We want to know what works, what doesn't, and what audiences we might be reaching with particular kinds of media. We want to be able to substantiate to supervisors, judges, or funding sources the impact of media relations plans.*

Measurement of media effectiveness is an inexact and frustrating process. We want to know exactly how successful we are in launching a new program, promoting a court improvement, or handling a crisis. We want to know what works, what doesn't, and what audiences we might be reaching with particular kinds of media. We want to be able to substantiate to supervisors, judges, or funding sources the impact of media relations plans. In the past, precise measurement was either too expensive or hurried. In the absence of an evaluation, a media product is often presented to the general public hoping that it has its intended affect without ever knowing whether it was truly successful.

It is safe to argue that of the myriad of potential evaluation techniques available to media relations practitioners, no one tool can give a true reading. Multiple instruments should be used and tailored to meet the needs of a particular project or a particular court. Moreover, it is through this triangulation that a more accurate gauge of success can be rendered.

Contrary to the public sector, private industry and public relations academics have been developing and discussing measurement tools for more than 60 years. In 2005, In *Putting PR Measurement and Evaluation Into Historical Perspective*, Walter K. Lindenmann chronicled the literature available for public relations evaluations.<sup>12</sup>

The principal problem with many of these evaluation techniques is the cost. Courts have not been able to afford the sophisticated tracking systems employed by private industry. For many years, the courts relied on old-style methods, including

<sup>12</sup> [http://www.instituteforpr.org/files/uploads/PR\\_History2005.pdf](http://www.instituteforpr.org/files/uploads/PR_History2005.pdf)



reviewing local and statewide newspapers and then circulating the clips to judges and supervisors to demonstrate the kind of press a particular project received. While cumbersome and time consuming, the method was somewhat effective. Still, it was specific to print media and did not demonstrate the breadth or depth of coverage by electronic media. Occasionally, success was measured by feedback in the form of letters and email. Broadcasts would be scanned to see whether the issue became the topic-of-the-day on local television shows, but that too was imprecise considering that talk shows would routinely draw from outspoken constituents and reflect only about one percent of listeners.

Surveys could be experimented with; however design and execution are critical to findings. Qualitative and quantitative analyses from academia are relevant and are offered – for a fee – from numerous companies equipped to electronically collect and analyze data. Content analysis applies research methodologies used in many studies to evaluate modern day media. Services such as Google Analytics<sup>13</sup> or Yahoo Web Analytics<sup>14</sup> provide free methods of tracking messages. Both provide up-to-date analysis of Internet use of websites or particular messages distributed electronically to stakeholders. Charting your effectiveness through social media such as YouTube, Twitter, and Facebook is quite simple. There are numerous providers that provide

detailed analysis of when your court, your project, or your judge is named through social media or on the Internet.

Chris Davey, the public information officer of the Supreme Court of Ohio, has developed a list of evaluating sites that are being advanced to the state's judges and court administrators in monitoring the effectiveness of the courts' communications. Social Mention<sup>15</sup> is a search engine that

tracks mentions through a variety of social media and blogs, ranks sentiment about the person or issue, and links to all sources. It also lists top keywords associated with the person or topic and the names of people

who are talking about the subject. Another source, Twitter Grader, tracks the ways a person or topic is talked about on Twitter. Addictomatic<sup>17</sup> provides links to all the sites on the Internet and social media that mention a particular search term. It is a great way of getting an overview of someone or some topic that spans the World Wide Web. Quantcast<sup>18</sup> evaluates website use outlining the demographics of users, among other variables.

Monitoring, measuring, and evaluating media relations can be a difficult process. However, using creativity and tools that are available for free to the court will allow a court to determine its effectiveness in communicating with the public.

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*Google Analytics – [www.google.com/analytics](http://www.google.com/analytics)*

*Social Mention – [www.socialmention.com](http://www.socialmention.com)*

*Twitter Grader – [www.twitter.grader.com](http://www.twitter.grader.com)*

*Addictomatic – [www.addictomatic.com](http://www.addictomatic.com)*

*Quantcast – [www.quantcast.com](http://www.quantcast.com)*

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<sup>13</sup> <http://www.google.com/analytics/index.html>

<sup>14</sup> <http://web.analytics.yahoo.com>

<sup>15</sup> <http://socialmention.com>

<sup>16</sup> <http://twitter.grader.com>

<sup>17</sup> <http://addictomatic.com>

<sup>18</sup> <http://www.quantcast.com>

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# Appendices

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

## Appendix A: Sample Court Media Policy

### MEDIA RELATIONS FOR ADMINISTRATIVE STAFF

These are suggested procedures for court supervisors, managers, and administrators to follow when the media calls or arrives unannounced.

- If the request is straightforward (such as factual information from the case file), give the reporter the information but document who called, his or her media affiliation and phone number, and what information was sought. Be sure to forward the information to the court public information officer, if you have one.
- If the call is non-factual and needs further attention resulting in a larger news story, immediately notify the public information officer, court administrator, or the media contact designee.
- If the subject matter is controversial or potentially sensitive, notify the court administrator, the public information officer, media contact designee, the presiding judge, or other appropriate judge.
- If time is needed to respond to the reporter's request, let him or her know an estimated time when someone from the court will be able to respond.
- If the answer to the question is not known, tell the reporter.
- Do not refuse to comment or use the expression "no comment."
- Some reporters ask the same questions or try to confirm the information with multiple sources. *The court should speak with one voice and be consistent in its message. If the reporter has already discussed the issue with another judge or court employee, contact that individual before responding to the reporter to make sure a consistent response and the correct information is provided, or refer the reporter back to the original source. In this event, contact the court's PIO or media contact designee.*
- If the press contact involves a pending case, provide only procedural information. Do not explain what the case documents mean. Do not describe what happened in court, which is inappropriate, dangerous, and can cause problems for the court.

## Appendix B: Sample Media Call Policy

\_\_\_\_\_ Judicial District  
\_\_\_\_\_ County

### MEDIA GUIDELINES FOR JUDICIAL ASSISTANTS

When an inquiry is made by a member of the news media:

Case information, other than basic calendar information, does not need to be provided during the initial inquiry. Staff should identify what information is being sought, together with the reporter's contact information, including their submission deadline.

Convey the requested information to the judge. The inquiry should be logged and the reporter's contact information should be added to the district's media contact list.

Ask the judge if the inquiry should be referred to the media coordinator/court administrator. If not, ask the judge how best to address the inquiry.

If the call involves a pending case, procedural information such as the date of the next court proceeding, relevant attorneys, copies of minutes, orders, and case filings, among other documents, may be provided. Staff is prohibited from explaining documentation or describing what happened in court (interpreting court events for a reporter can result in misunderstandings and other related problems).

If the judge is unavailable for you to discuss the call with within the appropriate timeframe, contact the media coordinator/court administrator for follow-up, especially if it involves multiple media inquiries.

# Appendix C: Core Competencies

## COURT PUBLIC INFORMATION OFFICERS CORE COMPETENCIES

*Prepared by the Conference of Court Public Information Officers*

Court public information officers (PIOs) serve as liaisons between the judiciary and the public and can be found at all levels of the justice system, including the trial courts, appellate courts, and administrative offices of the courts. Although duties can vary considerably among states and court jurisdictions, a court PIO is generally responsible for media and public relations, community outreach, education, and publications. A court PIO may also be involved in legislative and governmental affairs, internal communications, law-related education, and supervisory management roles, such as overseeing a public information office. A court PIO is generally expected to possess excellent communications skills, both oral and written. Other qualities that a PIO should possess are analytic abilities, diplomacy skills, flexibility, creativity, quick thinking, the ability to translate legal jargon into layperson's language, the ability to juggle many duties at once, and the ability to remain calm under pressure.

A court PIO serves judges, court employees, lawyers, the media, and the public, and therefore, must have the knowledge, confidence, and public relations skills to deal effectively with each.

The following list of core competencies reflects the wide range of skills utilized by court PIOs and the broad spectrum of their expertise. It should not be viewed as a baseline list of job requirements for court PIOs but rather an expansive cataloging of potential duties. Funding and staffing of public information offices also will directly impact the PIO's ability to provide the duties described here. As these resources diminish, so does the ability of the PIO to provide core competencies.

### MEDIA RELATIONS

The media relations area is generally the court PIO's greatest responsibility. The major objective is to generate goodwill and understanding between the courts and the media through a variety of skills and methods.

#### As media expert

- Create and implement a media plan
- Build and maintain credibility, both with the press and court personnel
- Advise top-level administration on media issues
- Strategically utilize public relations tools (e.g., press conferences, press releases, pitch letters, news advisories)
- Measure results of media campaigns
- Write op-ed pieces and letters to the editor for educational purposes or to respond to negative stories
- Track current news trends and anticipate future ones
- Prepare court personnel to speak to the media by briefing them on the fundamentals of interviewing and advising them both of potential opportunities and pitfalls
- Monitor court-related news coverage and compile a daily packet of news clippings of articles related to the courts
- Strategically place stories

#### As court spokesperson

- Speak in understandable terms, avoiding stilted legalistic language
- Provide reporters with accurate information and supply them with appropriate quotes
- Present the court's "side of the story" to journalists and provide supporting information

- Analyze and prioritize issues that need to be brought to the immediate attention of top-level management
- Give “on-message” interviews
- Understand journalistic jargon (e.g., “on the record,” “not for attribution,” “for background,” and “off the record”) and determine appropriate times to use each
- Work within reporter deadlines and understand the different timing of print, radio, television, and Internet news cycles
- Determine the appropriate times to act as spokesperson and the appropriate times to arrange for judges or court personnel to speak
- Generate publicity
- Write attention-grabbing, newsworthy press releases and news advisories
- Evaluate the newsworthiness of a story and highlight those elements when “selling” it to the press
- Be familiar with the specific editors and reporters assigned to the court “beat”
- Distinguish the best news medium for a particular story and tailor it to that medium
- Target appropriate journalists and editors to pitch court stories
- Distinguish between local and national news interests
- Provide reporters with names of members of the bar or other related groups as sources of information for court stories

#### **Fostering positive court-press relations**

- Respond to inquiries from the press with speed and accuracy
- Compile case/decision summaries and distribute them to press in a timely fashion
- Manage media needs in high-profile trials, including courtroom seating, overflow media rooms, access to court documents, etc.
- Promote dialogue and good court-media relations by arranging for regular meetings between judicial leaders and editorial boards

- Develop Web content and disseminate information to the media through the Internet
- Produce media guides, information booklets, historic guides, or other informative publications to assist reporters in covering the courts
- Develop and coordinate educational programs for the media
- Combat negative press
- Stanch the snowballing effect of erroneous, negative stories
- Assess a crisis situation quickly and advise leadership on the best course of action
- Implement a strategic plan in a timely manner
- Gather and disseminate the facts of a situation quickly in order to gain control over the story
- Act as organization spokesperson or identify appropriate spokesperson to respond to reporters
- Proactively handle a crisis rather than reacting to negative stories after publication
- Write op-ed pieces or “letters to the editor” to respond to a negative or erroneous news articles
- Partner with the bar and other related groups in responding to judicial criticism
- Coordinate press events
- Determine the best means of achieving an organization’s goals (e.g., whether to hold a press conference, one-on-one interviews, press briefings, etc.)
- Advise and educate upper management regarding the above
- Choose and create a list of speakers for an event
- Know how to notify the press and promote coverage of an event
- Create written press materials for distribution, including press releases, fact sheets, pictures, and other related materials



- List events on media's daily assignment/event list
- Know how to set up a room for a press conference, taking into account the visual aspects of a press event, as well as broadcast media's specific needs
- Arrange for satellite feeds of press events for wide-area broadcasts
- Follow up with media attendees and refer them to appropriate spokespersons
- Measure results of press conference by compiling news articles and monitoring broadcast coverage

### **Crisis communications**

- Create a crisis communications plan
- Implement emergency procedures
- Know how to disseminate emergency information to the public and court employees when traditional means of communication are hampered (e.g., radio, Internet, emergency telephone numbers)

### **Education**

- Help the public understand and appreciate the role and function of the judicial branch
- Be able to develop ideas and implement educational programs that serve all segments of the public, young and old, recognizing the media is only one vehicle to the public
- Develop programs in conjunction with local school districts that educate students about the judicial branch (e.g., court tours, mock trials, Careers in the Courts Day, mentoring or internship programs)
- Respond to public inquiries and requests
- Create written informational packets for targeted groups
- Partner with the local school system on developing law-related curricula for use in social studies classes
- Partner with law schools on court-related programs for students (e.g., summer internships, clerking for judges)
- Oversee or give input on development and continued operation of court system website

to provide pertinent, up-to-date information to press and public

- Develop cable access programs that help inform the public about various legal topics
- Create and get placement of public service announcements
- Develop and implement public service campaigns on law-related subjects
- Develop Web content and disseminate information to the public through the Internet

### **Community Outreach**

- Build good relations and provide accurate court information to key constituencies, such as business, civic, legal, and law enforcement organizations
- Build interest and foster constituency support
- Assess a community's needs and engineer court programs that meet these needs
- Partner with community organizations to creatively initiate and develop outreach programs
- Arrange speaking opportunities for judges and court personnel before community boards, schools and other interested groups
- Create a court tours program that can be adapted to various audiences (e.g., school children, senior citizens, visiting judges)
- Evaluate the requirements of launching a new program and realistically assess the expected benefits versus the availability of resources
- Partner with the bar on law-related programs
- Plan and coordinate special events and programs, such as Law Day, Take Your Daughter to Work, court openings, etc.

### **Internal Communications**

- Keep judges and court personnel up-to-date with accurate court information and key policy messages
- Compile and regularly distribute a clippings packet of news articles and video clips relating to the courts

- Write, edit, or oversee the production of employee newsletters and publications
- Evaluate information for its relevance to employees and disseminate that information through the appropriate means (e.g., Intranet system, email)
- Develop and implement a plan for communicating directives to employees in cases of emergency

#### **Publications**

- Provide readers with timely, accurate information about the judiciary's activities and reach a broad audience through mass distribution and Web-based networks (Publications generally include newsletters, annual reports, brochures, user guides, historical booklets, and juror publications.)
- Assess the scope of a project, weighing the benefits of the publication versus a realistic estimate of the resources to create it
- Tailor publications toward specific audiences (e.g., school children, lawyers, the media) in the choice of content, language, and writing style
- Write in clear, non-legalistic language
- Be conversant with publishing procedures, production schedules, and printing protocols
- Edit publication drafts and offer constructive critiques

#### **Legislative/Governmental Relations**

- Be helpful in providing timely information about court activities and major issues affecting key constituencies. Good relations with the other branches of government serve to inform them of important judicial branch issues and needs and help to foster positive inter-branch communication.
- Develop educational programs for legislators and government leaders
- Write speeches for judges or court administrators
- Identify key lawmakers and relevant interest groups
- Develop a media campaign targeted toward desired legislation
- Coordinate media campaigns to coincide with timing of legislative cycles
- Target journalists and media outlets in specific legislative districts
- Compile editorials and news articles to demonstrate support of desired legislation and to measure results of media campaign

## Appendix D: Example of Short Column for Weekly Newspaper in English and Spanish

### TOP TEN THINGS PEOPLE SHOULD KNOW ABOUT SUPERIOR COURT JURY SERVICE

- 1) Free parking and shuttle service is provided.
- 2) Mileage is reimbursed at 44.5 cents per mile for your trip to and from the court.
- 3) Service is for 1 day and/or 1 trial. (The average trial is 3-5 days.)
- 4) Jury fees are paid at \$12 per day. (Does not apply if you only attend one day.)
- 5) For a lengthy trial of 6 days or longer, the ALTF reimburses lost wages up to \$300 per day retroactive from day 4 and forward.
- 6) You cannot serve on a trial in Maricopa County if any of the following apply:
  - A) You are under 18 years of age.
  - B) You are not a citizen.
  - C) You are a convicted felon whose rights have not been restored.
  - D) You are not a resident of Maricopa County.
  - E) You have been adjudicated mentally incompetent or insane.
- 7) All excuses are regulated by Arizona Revised Statutes § 21-202.
- 8) If you fail to appear you can be fined up to \$500, plus you will be compelled to complete your Jury Service (A.R.S. § 21-233).

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### LAS DIEZ COSAS MÁS IMPORTANTES QUE UNO DEBERÁ SABER ACERCA DE LA PARTICIPACIÓN EN UN JURADO

- 1) Hay estacionamiento y servicio de transporte al tribunal gratis.
  - 2) Se reembolsa la gasolina a 44.5 centavos por milla por viaje redondo al tribunal.
  - 3) La participación consta de un día y/o un juicio. (En promedio un juicio dura de 3 a 5 días.)
  - 4) La cuota que se paga por presentarse como jurado es de \$12 por día. (No se le paga si se presenta sólo un día.)
  - 5) Para un juicio que se prolongue, de seis días o más, el ALTF reembolsa los salarios perdidos hasta por \$300/diarios, retroactivos del día 4 en adelante.
  - 6) No podrá ser integrante de un jurado en el Condado Maricopa bajo las siguientes condiciones:
    - A) Es menor de 18 años;
    - B) No es ciudadano de los Estados Unidos;
    - C) Usted fue condenado por delito y no ha obtenido la rehabilitación de sus derechos civiles;
    - D) No reside en el Condado Maricopa;
    - E) Se le ha declarado con incapacidad mental o insano.
  - 7) Toda excusa se regula en las Leyes Revisadas de Arizona (A.R.S. § 21-202).
  - 8) Si no se presenta, se le podrá imponer una multa hasta por \$500, y aparte se le obligará a cumplir con la participación en el jurado (A.R.S. § 21-233).
  - 9) Si indica como excusa el problema del idioma, ha de dar un número de teléfono donde el personal del tribunal lo pueda localizar. Si el personal del tribunal no logra hablar con usted, se le negará su excusa.
- Se recaba la información sobre raza y etnicidad sólo con el objetivo de asegurar que los jurados sean representativos de toda la población del Condado. Esa información no se integra al historial de usted.

# National Association for Court Management Publications Order Form

Mini Guides:           Members: \$5 each (20 or more copies—\$3 each)  
                                  Nonmembers: \$10 each (20 or more copies—\$8 each)

Mini Guide Publications:	Quantity	Total
<i>Achieving and Sustaining the Green Court (2009)</i>		
<i>Business Continuity Management Mini Guide (2006)</i>		
<i>Community Creativity Collaboration: A Community Dialogue for the Courts (2001)</i>		
<i>Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do (2004)</i>		
<i>Core Competency Curriculum Guidelines: Application and Uses (2004)</i>		
<i>Court Administrator: A Manual (2003)</i>		
<i>Courts' Response to Domestic Violence (1997)</i>		
<i>Court Security Guide (2005)</i>		
<i>Developing Comprehensive Public Information Programs for Courts (1996)</i>		
<i>Disaster Recovery Planning for Courts (2000)</i>		
<i>Holding Courts Accountable: Counting What Counts (1999)</i>		
<i>Making the Verbatim Court Record (2007)</i>		
<i>Managing the Message: The NACM Media Guide for Today's Courts (2010)</i>		
<i>Succession Planning (2008)</i>		
<b>Other Publications: Priced as noted</b>		
<i>Trial Court Financial Management Guide \$150.00 each + \$5.50 S &amp; H</i>		
<i>Trial Court Personnel Management Guide \$300.00 each + \$5.50 S &amp; H</i>		
Virginia residents add 5% tax		
<b>TOTAL DUE</b>		

NAME: \_\_\_\_\_

COURT/COMPANY:

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

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