

NATIONAL ASSOCIATION OF WOMEN JUDGES

High Profile Cases in the World of Social Media and the 24-Hour News Cycle

Panelists: Third District Court Judge James Blanch, Randy Dryer, Esq.,
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I. Opening

- Definition of a high-profile case
- Attributes of a high-profile case
- Definition of traditional media and new media
- 24-hour news cycle

II. Planning for a high-profile case: Media and social media considerations

- Identify what cases are high profile early on
- Assign one court staff person to be the liaison with the media
- Explain expectations of court staff in a high-profile case
- Keep the media focus on the case: How to ensure the court does not become the story.
- Pre-trial publicity issues
- Address potential security concerns, such as location, access and scheduling. Determine if additional non-judicial law enforcement will be necessary.
- How media coverage can impact jury selection
- Trying the case in the media: gag orders vs. voluntary compliance.
- Any appearance of locking out the media will become an issue
- Court of Public Opinion vs. the Court of Law

III. Logistics: Creating an environment so the proceedings go smoothly

- Advance meetings with the court executive, security, public information office, judge, clerk to discuss all aspects of proceedings and ensure everyone is on the same page.
- Consider seeking out a media liaison between the court and the media for cases that attract hundreds of media.
- Determine a location for a media room. Is a live pool feed into the room possible and, if so, which media outlet can wire the room.
- Providing court documents online via website or database.
- Decorum Orders: issues to consider such as credentials, assigned seats, tweeting and blogging from the courtroom, trial schedule, exclusions to photography (if allowed).

- Determine need to form a media committee to address issues such as limited seating and who is to get the credentials.
- Electronic Media Coverage: who will be the pool photographer and on which days, how much time is needed in advance to set up video cameras.
- Satellite trucks: determine where the satellite trucks will park and if there a limit to the number of trucks that can park in the courthouse parking lot or on the street. Consider credentialing trucks if there is limited space. Media may need a special permit from the city.

IV. Trial Considerations

- Media coverage of voir dire: U.S. Supreme Court-jury selection is presumptively open and there is a public right of access to voir dire.
- Address concerns about people taking pictures or recording in the courtroom. Bailiff should make an announcement after each break.
- Decide how to address violations of Decorum Order.
- Determine if cell phones will be allowed in the courtroom?
- Model jury instructions: considerations to include regarding the use of social media.
- Jury Deliberations: determine points of contact for the court's media contact and the media to provide updates as necessary.
- After Deliberations: determine who if any jurors are interested in speaking to the media and/or when juror names will be released. (Examples of different ways Utah has handled these requests.) Consider having jurors leave from a separate entrance.
- Release of Evidence to the Media: Determine when evidence can be released to the media and how it will be done.

V. Sentencing

- Outline plans for the sentencing hearing. Many considerations will be similar to the trial.
- Determine if Decorum Order to remain in effect.
- Consider impact of public reaction to the sentence imposed as well as change in defendant's custody status.

VI. Final Thoughts: Ensuring Public Trust and Confidence in the Judiciary

- Creating an atmosphere of cooperation between all involved.
- Consider all audiences in a high-profile case.
- How to help the media coverage of the proceedings to be accurate.
- Opportunities to educate the public and students in high profile cases.