

BARRISTER

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Judges and Journalists in Salt Lake City: Project Shows Dialogue Can Improve Their Working Relationship

Randy L. Dryer and Scott M. Matheson Jr.***

Fifty-one federal and state judges (not including justices of the peace) preside in Salt Lake City. At the federal level, Salt Lake City is the site for a Tenth Circuit judge, four district court judges, two bankruptcy court judges, and two magistrates. The state judges sit on the Utah Supreme Court, the Utah Court of Appeals, the district court (general jurisdiction), the circuit court (limited jurisdiction), and the juvenile court. Two daily newspapers, two wire services, five television stations, and numerous radio outlets are located in Salt Lake City, and all cover the courts and legal issues. As such, isn't it about time that judges and journalists sit down and get better acquainted?

In our community, casual observation suggests that the relationship between the bench and press has often been adversarial. Moreover, press coverage of the courts has been relatively meager, because judges and journalists talk with each other so rarely.

However, a few years ago a group of Salt Lake City judges and journalists participated in a private dinner for an evening of off-the-record discussion about judging and news reporting. The participants all were enthusiastic about the event, and left with a better understanding of what judges and journalists do and of their working relationships. In fact, the event was so successful that the Salt Lake County Bar Association decided to sponsor a series of dinners for all judges and journalists working in the Salt Lake City area. To this end, we recently coordinated a Salt Lake County Bar Association project suggesting that the time is now, because the news media is the critical link between the public and the judiciary.

A series of dinners involving small groups of these judges and journalists was organized during the first three months of 1987. The purpose of these gatherings was to foster better understanding between the

bench and the press, particularly concerning their working relationship and how the public can be better informed about the legal system. Judges did not discuss matters pending before them, and all participants agreed to consider the conversations privileged. Seventeen dinners were held involving over 100 participants. All but two judges were able to attend.

Before the first dinner was scheduled, survey questionnaires were sent to judges and journalists in Salt Lake County to sample attitudes concerning news coverage of the legal system and the working relationship between judges and journalists. Of the 53 judges surveyed, 38 (72 percent) responded. Of the 83 journalists surveyed, 58 (70 percent) responded.

The dinners and surveys produced some interesting results. We would like to first report some of the survey results and then turn to our experiences at the dinners.

SURVEY RESULTS

The Need for Better Understanding

A basic premise underlying this project was that judges and journalists were uncertain about what each group does and

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Happy
New Year!

Judges and Journalists

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how they should interact. Seventy-eight percent of the judges reported they did not have a clear understanding of how they should interact with the press. About half of the journalists said they also lacked such an understanding, though 84 percent of them had experience in covering the legal system. Sixty-eight percent of the judges and 73 percent of the journalists agreed that judges have little understanding about how journalists do their jobs. Similarly, 81 percent of the judges and 72 percent of the journalists agreed that journalists have little understanding about how judges do their jobs. Both judges (76 percent) and journalists (84 percent) agreed that journalists have a better understanding of the criminal process than the civil process.

Further, 50 percent of the judges and 64 percent of the journalists believed the media provides insufficient coverage of our legal system. Moreover, 90 percent of the judges and 81 percent of the journalists said that the judiciary is the least understood branch of government. However, only a minority of judge and journalist respondents blamed

this lack of understanding on the media. In this connection, Ken Verdoia, Senior Producer for Public Affairs at public television station KUED, has observed that the survey confirms that the "majority of journalists are woefully unprepared about legal issues and the players. There is a critical need for greater understanding. We cannot treat the courts like a story (about a fire or police activity)."

Job Performance

A number of questions on the survey asked the judges and the journalists to evaluate themselves and each other. On media coverage of legal issues, the journalists generally gave the local media high marks for objectivity and fairness and below average marks for thoroughness. Likewise, the judges generally gave the media average ratings for objectivity and fairness and below average for thoroughness. Two-thirds of the judges were critical of the media's sensitivity to privacy interests and, interestingly enough, 76 percent of the journalists gave the media an average or below average rating on this issue. In this regard, Mr. Verdoia has suggested that "when it comes to the public's right to know versus the right to privacy, most journalists will give precedence to the former, and that isn't always correct."

On the competence of judges, 87 percent of the judges and 58 percent of the journalists ranked the judiciary as above average. Conversely, 78 percent of the journalists and 56 percent of the judges agreed that journalists are competent and professional in the way they cover the legal system. Jan Thompson, court reporter for the *Deseret News*, thinks these perceptions may be based on judge's lack of appreciation for what it takes to be an effective journalist and on journalists' lack of appreciation for how difficult it is to be a competent judge. As for the latter, "Journalists see just the tip of the iceberg in terms of what judges do," she said. Mr. Verdoia thinks the journalists were too

generous in their self-assessment: We still have many miles to go before we can say the press is responsible in reporting about what is happening in America's courtrooms."

Judge-Journalist Working Relationship

How judges and journalists should interact was the major topic of discussion at the dinners, and the survey questionnaire attempted to address this issue. Only 13 percent of the judges responded that their experiences with the media have been negative ones. However, based on the foregoing, this may be the product of little contact with the press, because most journalists (77 percent) reported that judges are generally not available for comment or interviews before or after judicial proceedings. Most judges (71 percent) said that a judge should never grant an interview with the press or respond to press inquiries concerning a matter pending before that judge. Fifty-six percent of the journalists disagreed with this view. Obviously, varying understanding of the ethical and practical restraints on judges helps to explain these results.

Utah Supreme Court Justice Michael Zimmerman suggests another reason for the lack of unfavorable press/judicial interaction. Based on his experience at the dinners, he was struck with "the degree of deference and reverence that news reporters give judges." He thought this could be "counterproductive" and urged journalists "not to treat judges with such great reverence and occasionally introduce themselves and ask judges questions." Scott Daniels, Chief Judge of the Third District Court of Salt Lake County, has further observed that "journalists are frightened of judges and judges are frightened of journalists. Journalists seem afraid to call judges. However, if a journalist calls, I feel that I have to measure every word. Nonetheless, getting together and becoming better acquainted is very positive."

Journalists have their own perspective. About three-fourths of the journalists

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Judges and Journalists

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reported that they feel comfortable asking a judge to explain legal terms or theories, the basis of the court's ruling, or the significance of the court's ruling. Eighty-one percent of the journalists agreed that journalists would do a better job reporting on court proceedings if judges would be more inclined to explain what is going on, and 66 percent of the judges concurred in that view. *Salt Lake Tribune* reporter Paul Rolly explained that "judges I know personally will talk with me because they know and trust me. I've had problems with the ones I don't know. They are understandably concerned about prejudicing a case."

Specific Policy Issues

The survey results concerning a limited number of specific policy questions were that 80 percent of the judges favored the creation of a local press council where persons aggrieved by inaccurate or biased press reports could seek relief. Almost 50 percent of the journalists supported this proposal.

Forty-one percent of the judges favored experimentation with television cameras in the trial courts. (In Utah, television cameras are only allowed in the Supreme Court on an experimental basis.) Ninety-three percent of the journalists supported this approach.

Almost half of the judges felt that the press should be restricted from conducting post-verdict interviews with jurors. Eighty-nine percent of the journalists opposed any such restriction.

Points of Disagreement

In addition to the varying responses mentioned above, the survey produced polar reaction on several matters. For example, 84 percent of the judges agreed and 67 percent of the journalists disagreed with the following statement: "If a news story can be reported in either a straightforward manner or a sensational manner, most journalists would choose the latter." Similarly, 55 percent of the judges agreed and 93 percent of the journalists disagreed with this statement: "Most

journalists are less interested in reporting the truth than in reporting an interesting story." Finally, 84 percent of the judges agreed and 83 percent of the journalists disagreed that "the media poses a potentially powerful threat to the objectivity and fairness of the jury system."

THE DINNERS

The dinners were held in a private room in a local restaurant and each lasted at least three hours. The absence of judicial robes and reporter notepads seemed to encourage discussion on a variety of topics, such as access to judges for interviews, pretrial publicity, media evaluation of judges, competitive and deadline pressures on journalists, and ways to improve media coverage of the legal system. For the most part, the dinners were cordial, though, occasionally, frustrations were vented on both sides.

The dinners produced some valuable suggestions to improve relations between the bench and press and to improve media coverage of the legal system. Most dinner participants lamented reporters' insufficient knowledge about the law. In this connection, in response to a suggestion from Utah Supreme Court Justice Daniel Stewart, discussions already were underway between the Salt Lake County Bar and the State Court Administrator's Office to organize an annual "legal school" for journalists. Justice Stewart's idea is that judges and lawyers should lecture on court structure, procedure, legal terminology, and other legal issues to assist journalists in better reporting on the judicial system. Although clearly not a substitute for formal legal training, many reporters and editors have indicated that this program should improve media understanding and journalistic techniques in covering the courts. In addition, Justice Zimmerman suggested that the dinner program needs follow-up for any long-term benefits to accrue. Beyond the legal school, he supports further organized efforts to foster professional working relationships between judges and journalists.

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PRESIDENT'S REPORT



*Stuart W. Hinckley**

The Young Lawyers Section of the Utah State Bar continues to receive recognition for outstanding achievement. The Young Lawyer Division of the American Bar Association recently recognized the Section's accomplishments with a second place award for the overall activities of the Section, with a certificate of performance for the "Senior Citizen Legal Handbook" that the Section published, and a special recognition award for the improvements made to the *Barrister*.

This is the second consecutive year that the Section has been recognized by the Young Lawyers Division of the American Bar Association with awards of achievement. This continuing recognition illustrates the significant progress the Section has made under its recent past presidents—namely, Cecilia M. Espenosa, John A. Adams and Paul M. Durham. All of these past presidents are to be commended for developing the Section into an organization that effectively fulfills its two primary objectives of supporting its members in the practice of law and of delivering law related community service.

In addition to the awards of achievement the Young Lawyer Division of the American Bar Association has recognized the leadership skills of some of the Section's leaders. Recently, two of the Section's leaders participated as seminar leaders at Young Lawyers Division of the American Bar Association conferences. In addition, Guy P. Kroesche has been invited to attend the midyear meeting of the American Bar Association to instruct young lawyers from throughout the nation on how to publish a newsletter the quality of the *Barrister*. This invitation is a compliment to Guy and the past and present members of the *Barrister* Editorial Committee (Wayne D. Swan, David B. Thomas, Barbara K. Berrett, David R. Black, T. Patrick Casey, Susan Domm, William D. Holyoak, Cheryl Keith, Mark J. Morrise, and Sue Vogel) for upgrading the *Barrister* and continuing to publish a quality product.

This recognition illustrates the vitality of the Section, which depends primarily on your support for its success. I urge all young lawyers to participate in the Section's activities. To those who do, I can promise professional satisfaction.

**Mr. Hinckley is a 1983 graduate of the J. Reuben Clark Law School, Brigham Young University, and is Chief of the Human Resources Division of the Utah Attorney General's Office.*

Judges and Journalists

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Several practical suggestions also were made at the dinners. For example, judges recommended that journalists should introduce themselves to judges, so that a professional working relationship can be established. On the other hand, journalists encouraged judges to advise the media when erroneous reporting on legal issues

occurs, to improve journalists' legal understanding and to facilitate more accurate coverage in the future.

Perhaps the most important outcome of the dinners was almost unanimous recognition that, occasionally, it is worthwhile for judges and journalists to discuss their jobs with each other. In at least this regard, the dinners helped to demystify each group's respective work. Judges learned some of the constraints that affect journalists, and journalists gained greater appreciation for the demands on judges.

As Federal District Judge J. Thomas Greene put it, "I think it is very valuable in that we almost universally have spoken a different language to each other. Getting together to understand each other's point of view is very good." And as *Salt Lake Tribune* reporter Paul Rolly observed, "The dinners gave the judges an understanding that reporters are people they can work with. The dinners have increased familiarity between judges and journalists, and that alone will enhance communication."

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ANNOUNCEMENTS AND EVENTS

YLS/Salt Lake Tribune Sub-for-Santa

"We will again this year remind the legal community of the needs of the disadvantaged during the holiday season. We need their help," said Brian M. Barnard in announcing the start of the annual Utah State Bar Young Lawyers Section and The *Salt Lake Tribune* "Sub-for-Santa" project. As a clearinghouse, the *Tribune* program matches those able to share with less fortunate families needing help at Christmas. The *Tribune's* program began 56 years ago to assure that needy children in Salt Lake City are not forgotten at Christmas. "This is an opportunity to help and to be directly involved with a family at home," Mr. Barnard, Young Lawyers Section Project Coordinator, stated. "We want the legal community to directly participate. Donating money helps, but nothing compares to seeing the face of a child at Christmas that would have gone without but for the Sub-for-Santa program," said Mr. Barnard. "Our world continues to have problems and people in our community suffer adversity. Humans have been unable to solve the world's problems.

The need for this program reminds us of that. The legal community through this program helps with some very immediate and often temporary hardships of neighbors."

Members of the Utah Young Lawyers Section have been contacting Salt Lake City area law firms to answer any questions regarding the program and to encourage them to call the *Tribune* Sub-for-Santa program (237-2830) and sponsor one or more families. However, additional contributions are still needed in any amount and at any time during and after the Christmas season. "In 1986 the *Tribune* helped more than 900 families, and more than 2,000 children. With the help of the legal community and the Young Lawyers Section, we aim to help more families and children this year," said Mr. Barnard.

Monetary contributions payable to "Sub-for-Santa" should be sent (and any questions directed) to "Sub-for-Santa", Young Lawyers Section, Attn: Brian M. Barnard, 214 East 500 South, Salt Lake City, Utah 84111-3204 (328-9531).

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