

# Free Press vs. Fair Trials



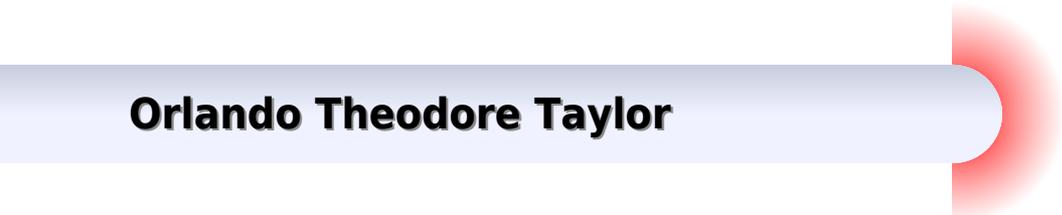
Examining Publicity's Role in Trial Outcomes

Jon Bruschke

William E. Loges

# Free Press Vs Fair Trials

**Orlando Theodore Taylor**



## **Free Press Vs Fair Trials:**

*Free Press Vs. Fair Trials* Jon Bruschke, William Earl Loges, 2003-12-08 Current research on media and the law has generally been atheoretical and contradictory This volume explains why pretrial publicity is unlikely to affect the outcome of most jury trials despite many experimental studies claiming to show the influence of publicity It reviews existing literature on the topic and includes results from the authors own research in an effort to answer four questions Does pretrial publicity bias the outcome of trials If it has an effect under what conditions does this effect emerge What remedies should courts apply in situations where pretrial publicity may have an effect How does pretrial publicity relate to broader questions of justice Reporting research based on actual trial outcomes rather than on artificial laboratory studies *Free Press vs Fair Trials* examines publicity in the context of the whole judicial system and media system After a thorough review of research into pretrial publicity the authors argue that the criminal justice system s remedies are likely to be effective in most cases and that there are much larger obstacles confronting defendants than publicity This book presents the first extensive study of the influence of pretrial publicity on actual criminal trials with results that challenge years of experimental research and call for more sophisticated study of the intersection of media and criminal justice It is required reading for scholars in media law media effects legal communication criminal justice and related areas

*Free Press Vs. Fair Trials* Jon Bruschke, William Earl Loges, 2003-12-08 A review of existing social science research concerning pretrial publicity that incorporates media theory and original field research and comes to the conclusion that fears of pretrial publicity are overstated

**The Rights of Fair Trial and Free Press** American Bar Association. Legal Advisory Committee on Fair Trial and Free Press, 1969

**Free Press Vs. Fair Trial** C. E. Bolden, 1964

*Free Press v. Fair Trial* Douglas S. Campbell, 1993-09-21 This volume takes a historical approach in analyzing all of the major United States Supreme Court cases relevant to the conflict between a free press and fair trial Campbell s thorough analysis which relates 30 primary cases to each other and to nearly 70 associated supporting cases consists of five parts 1 legal backgrounds 2 immediate historical circumstances giving rise to the cases 3 complete summaries of all court opinions concurring opinions and dissenting opinions often using the Justices own words 4 the Court s ruling and 5 analysis of the significance of the cases

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**Fair Trial Vs. a Free Press** Center for the Study of Democratic Institutions, Zelman Cowen, 1965

*Justice and the Media* Matthew D. Bunker, 2013-10-16 USE THIS FIRST PARAGRAPH ONLY FOR GENERAL CATALOGS

The First Amendment right of free speech is a fragile one Its fragility is found no less in legal opinions than in other less specialized forms of public discourse Both its fragility and its sometimes surprising resiliency are reflected in this book It

provides an examination of how the U S Supreme Court has dealt with the problem of restrictions on media coverage of the criminal justice system as well as how lower courts have interpreted the law created by the Supreme Court The author explores the degree to which the Court has created a coherent body of law that protects free expression values while permitting reasonable government regulation and examines the Supreme Court s jurisprudence concerning prior restraints post publication sanctions on the press and their right of access to criminal proceedings This is a study of the evolution of constitutional doctrine particularly when transported from the rarefied air of the Supreme Court to lower court judges who may not share the values of the jurists above them in the judicial hierarchy The book s greatest strength lies in its thorough analysis and critique of how judges apply First Amendment doctrine to the complex problem of providing for both a free press and fair trials Much of the available literature on this topic focuses on legal doctrine but with attention to the legal rules that emerge from the courts rather than examining and critiquing the judicial techniques that produce those rules Moreover although a significant body of scholarship has explored Supreme Court doctrine this work is one of the few that trace the influence of those doctrines through lower federal court decisions The hope is to produce a reasonably accurate if partial picture of how intermediate appellate and trial courts use U S Supreme Court doctrine to decide First Amendment cases Note This book is necessarily influenced by the round the clock press coverage of the recent O J Simpson trial Although the Simpson case did not make new law the trial and its outcome seem to be at this writing an inescapable part of how many people think about these issues The simple truth however is that the Simpson case was an anomaly that has little relation to the everyday concerns of media coverage of the criminal justice system While the venerable parade of horrors can be an effective strategy for the legal advocate it is not always the ideal way to address larger concerns particularly when fundamental rights are at stake

**News Cameras in the Courtroom** Susanna Barber,1987 This book is the first comprehensive analysis of the free press fair trial debate over news cameras in the courtroom one that discusses the issue from a historical legal and social scientific perspective It incorporates the key aspects of the debate in one volume examining witness privacy and protection defendant reputation the purported educational benefits of televising trials the coverage of trials from an entertainment or voyeuristic perspective and whether any proposed benefits of televising trials are negated by potential negative costs to the participants involved or the audience in general

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*Recommended Court Procedure to Accommodate Rights of Fair Trial and Free Press* American Bar Association. Legal Advisory Committee on Fair Trial and Free Press,1975

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