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Trial By Twitter: Real-time Coverage Of The Courts

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By K. Daniel Glover

Helen Ubinas was a lone voice tweeting in a media wilderness in January 2010. *The Harford Courant* columnist was the only journalist reporting in real time via Twitter during jury selection of a high-profile murder trial — an experiment she began by happenstance when the reactions of potential jurors intrigued her.

"Mostly I thought I was 'talking' to myself, just jotting down impressions of the young woman who broke down crying when she saw Hayes, the high-stakes lawyering taking place, etc.," Ubinas said in an email interview. "But suddenly people started to follow me — and they began sending messages. I realized quickly that people were very interested in the case, in the judicial system. They wanted every single detail."



Ron Sylvester of the Wichita Eagle was an early adopter of Twitter for covering trials in real time.

By the time the jury found Steven Hayes guilty of killing three people in Cheshire, Conn., Ubinas was one of a half-dozen reporters covering the case live in news blurbs and sound bites of 140 characters or less. Their work amassed such a following that Hayes' defense team blamed Twitter for creating a "circus atmosphere," and the second defendant in the murder case, Joshua Komisarjevsky, later tried to keep tweeters out of the courtroom.

The reporter's notebook online

The Cheshire murder trials highlight the increasing significance of Twitter both as a news tool in general and as a great gadget for covering trials in particular. Journalists can report dramatic testimony, legal maneuverings and more as soon as they happen, and they can do it in more detail than traditional media allow.

High-profile trials such as the Cheshire case and the federal corruption trial of former Gov. Rod Blagojevich, D-Ill., attract the most attention. But some local court reporters have made Twitter part of their daily routines.

The value of live-tweeting trials quickly becomes apparent to journalists who try it. They hear from crime-news junkies, lawyers involved in trials and especially family members of crime victims. "Family members who could not be in court thanked me for making it possible for them to 'be there,'" Ubinas said of both the Hayes trial and another one she tweeted more recently.



Jamie Satterfield of the *Knoxville News Sentinel*, who has tweeted more than a dozen trials since her first in 2009, echoed that point and added that her tweets have exposed her to a new audience. "A lot of college kids follow me but don't read the paper," she said via email.

Satterfield's Twitter portfolio includes coverage of a kidnapping case involving the Outlaws motorcycle gang, a child-abuse case where the defendant represented himself, and the trial of the student accused of hacking the email account of Sarah Palin, herself a prolific tweeter. Satterfield said multiple readers have told her in person that they love her tweets more than her stories.

While some lawyers take issue with the explanations of legal strategy Satterfield occasionally shares, she said most lawyers enjoy her tweets. "One recently said he enjoys going over my feed after trial to see if he screwed up something."

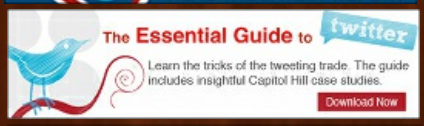
EDITOR'S PICKS

- Facebook Patrol: The Social Police Beat
- Judging Social: How Courts Use Modern Media
- Trial By Twitter: Real-time Coverage Of The Courts
- Twitter In The Courtroom
- What Judges Say About Twitter
- The Judicial Ethics Of Social Media
- Trial Tweets: Reporters' Roundtable

Search

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Wichita Eagle


Jamie Satterfield
Knoxville News-Sentinel


Steven Kreytak
Austin American-Statesman


Helen Ubinas
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- Juries
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- Media
- Police

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- May 2011
- April 2011

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Ron Sylvester of the *Wichita Eagle*, an early adopter of real-time trial coverage dating back to 2008, transitioned to live-tweeting from live-blogging because readers thought the updates "weren't coming often enough or fast enough. Twitter seemed natural."

In 2010, tweeting by smartphone gave Sylvester an advantage over news rivals during the trial of Scott Roeder for murdering abortion doctor George Tiller. The judge banned laptops because of noise concerns, so Sylvester was the only one tweeting from the courtroom.

Tweeting benefits journalists in other ways, too. "Twitter has become my notebook," Sylvester said in a Twitter roundtable organized as part of this story. "I can often take my trial tweets word for word and use them in the story the next day. They are that similar."

Ubinas said live-tweeting has increased her workload but enhances the news experience for readers. "In many ways they become participants in news events that in the past they were getting long after they occurred and through many filters," she said. "Tweeting allows readers to have an unfiltered, unvarnished account of news."

Toward digital transparency in the courts

But as more reporters embrace the spontaneity and flexibility offered by Twitter, judges, lawyers and court watchers are asking the kinds of questions they do when media outlets push for cameras in courtrooms: How do courts balance the rights of a free press with the rights of defendants? What rules, if any, should apply to trial tweets? Or should the practice be banned outright?

"In general, journalists should be permitted to tweet to the same extent that they are permitted to take notes in the traditional manner," said Eric Robinson, deputy director of the Donald W. Reynolds National Center for the Courts and Media and a contributor to the Citizen Media Law Project. "Such coverage provides real-time updates for members of the public who have intense interest in a particular trial but are unable to attend in person."

Dan Gillmor, director of the Knight Center for Digital Media Entrepreneurship at Arizona State University, said "the bias should always be toward more coverage." But he added that journalists should be diligent to cover criminal cases fairly, both inside and outside courtrooms.

"The defense lawyers have a point when they say that journalists contribute to unfair trials because they do. But that starts a long time before anyone gets to court," Gillmor said, noting the media's compliance when prosecutors take suspects on a "perp walks" before the cameras.

Journalists reject complaints like those in the Cheshire murder case about their tweets creating unfair trial atmospheres. "Cases get overturned by judges, prosecutors, jurors and defense counsel, not from what I report," Sylvester said. Satterfield added, "Nobody was tweeting the O.J. Simpson trial, but I think we can all agree it was a circus."

Judges have wide latitude to restrict media coverage in their courts, and some do. "You should not be using any electronic device or cell phone in the courtroom," Judge Dennis Sweeney scolded reporters at the 2009 trial of Baltimore Mayor Sheila Dixon. "If you can't divorce yourself from that habit you probably shouldn't be here with us. The sheriffs have asked me to enforce that."

The divergence of judicial opinion about the merits of real-time trial reporting was evident last fall when *The Day* reported the policies in Connecticut courts. One judge allowed tweeting but not from laptops because of the noise; another judge banned both; and a third reluctantly agreed to give tweeting a test run.

Although no state judges have restricted Satterfield's tweets, the federal court in Knoxville bans such coverage. The federal court in Memphis a few hours away, on the other hand, reportedly is friendlier toward Twitter.

A journalism project that launches Monday aims to increase digital transparency in courts and develop "best practices" for innovative coverage. The Knight Foundation last year awarded $250,000 to the effort, initially dubbed "Order in the Court 2.0" and later rebranded OpenCourt.us. The advisory board includes judges, court officials, journalists and academics.

OpenCourts.us will feature a test lab for social media in a busy Quincy, Mass., courtroom. While the focus will be on live-streaming video coverage of the court's proceeding, the project also will facilitate live coverage via Twitter and blogs.

"The expected outcome is to be able to expand its use in other courts," NPR's John Davidow, the leader of the project, said according to *The Patriot Ledger* in Quincy. "The stars are aligned for something like this. We want to get it right."

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This entry was posted in Courts, Media and tagged Cheshire murder trial, George Tiller, Helen Ubinas, Jamie

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- Conference of Chief Justices
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- Federal Judges Association
- Federal Magistrate Judges Association
- National Association for Court Management
- National Center for State Courts
- National Council of Juvenile and Family Court Judges
- National Court Reporters Association

Law

- American Bar Association
- American Society of Trial Consultants
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- Brennan Center for Justice
- Jury Research Institute
- National Association of Criminal Defense Lawyers
- National District Attorneys Association

Media

- ABA Journal
- American Police Beat
- Appellate Daily
- Bench And Bar Experiences
- Court Beat
- Criminal Justice Journalists
- Institute for Justice and Journalism
- Law.com
- Legal Week
- National Center for Courts and Media
- National Law Review
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