FAIR TRIAL V. FREE PRESS:
UGA & ABA Hold Provocative Bar/Media Forum

Is a fair trial possible in the age of modern media? What impact have the technological advances of newsgathering had on the delivery of justice? Should the judicial system become more restrictive of trial coverage?

These difficult questions were confronted during the "Media and the Law Roundtable" co-sponsored by the University of Georgia School of Law, UGA College of Journalism and Mass Communication, and the American Bar Association. The 3-hour forum, held March 16 at the Marriott Marquis in Atlanta, was later broadcast gavel to gavel before a national audience on C-SPAN II. A condensed version is scheduled to air on COURT TV in June.

"A forum of this caliber was long overdue," said Edward D. Spurgeon, law school dean. "This roundtable provided an excellent opportunity for leading national journalists, lawyers, judges and academicians to debate the toughest issues regarding trial coverage. Our hope is that we have fostered a continuing dialogue on the evolving relationship between the media and the law."

Roberta Cooper Ramo, ABA president-elect, began the discussion. Legal ethics expert Stephen Gillers of New York University, who visited UGA as a 1993 Sibley Lecturer, served as moderator. Gillers used a developing hypothetical legal case to encompass such subjects as extensive pretrial publicity, leaks of evidence, possible tainting of jurors and witnesses, and media manipulation to "spin" the story.

The scenario featured a pop music superstar and spokesperson against domestic violence who shot and killed an intruder at her estate. As the story unfolded, panelists learned that the woman actually knew the man, and had escaped from an abusive relationship with him as a teenager to establish a successful career. Was it self-defense or murder? Roles of prosecutors, defense attorneys, reporters, and judges at each stage of the case were explored -- from the night of the shooting to the last days of the trial.

"This discussion was precipitated by the concern of many of us have that the quality and penetration of recent media coverage, in particular of certain high-profile criminal cases, is undermining both the defense's and prosecution's ability to try cases, and also, the American people's faith in the criminal justice system," said Ramo.

Prominent members of the panel included: Ramo; Albert Krieger, the Miami trial attorney who defended John Gotti; Michael McCann of the Milwaukee District Attorney's Office and trial attorney Gerald Boyle, the prosecutor and defense attorney, respectively, in the Dahmer trial; Ed Turner, executive vice president of CNN; Evan Thomas of Newsweek; Los Angeles Superior Court Judge David Horowitz; Eric Holder, U.S. Attorney for the District of Columbia; Linda Fairstein, chief of the Sex Crimes Prosecution Unit of the Manhattan District Attorney's Office; Ronald Olson, Los Angeles trial attorney; Tony Mauro of USA Today; UGA law professor Ron Carlson and UGA journalism professor William Lee.

Following the roundtable discussion, panelists and guests were invited to a reception hosted by Long, Aldridge & Norman. The event, held in the office of the law firm, was attended by nearly 150 persons.