

Your day in court

A court case is someone's story. Here's how to tell it.

Step one: Listening

- At court proceedings, get as close as possible to the action — it can be hard to hear in a busy session.
- Keep your eyes on everyone connected to the case — while a lawyer is speaking someone may be reacting.
- Pay attention to how lawyers speak — they usually choose their words and phrases carefully and you can lose the meaning in translation.
- Outside court, pay attention to signals that someone wants to talk — or doesn't.

Step two: Paperwork

- Court cases are always documented with paperwork. Always ask to see the file.
- Things to look for: Complaints and applications/affidavits for complaints. Grand jury indictments. Discovery notices. Search warrant applications/affidavits and returns. Motions filed by either side. Pre-trial conference reports. Witness lists. Sentencing memos. Letters of support or opposition. Bail documents (bonds, surety agreements, conditions).

Step three: Interviews

- You may want to follow up with the lawyers from both sides, and if possible in your state, court officials or even a judge (many states bar judges from commenting on pending cases, however).
- Speaking to witnesses and parties, including the defendant, in a court case carries both risks and rewards. You may get a great story but you could also end up being named as a witness during the trial. Check with your editor to learn your newspaper's policy regarding this.

Courts are full of information

- Even if you're not covering a court case, courts are full of potentially useful information.
- Backgrounding a candidate? Profiling the new school superintendent? Look for civil or small claims lawsuits or (gasp) even criminal complaints against your subject.
- Probate or family courts are a resource too — just be wary of privacy concerns.
- County land registries are also great sources.

Access is getting easier — and harder

- Most states now have at least some online access. NYCOURTS.GOV
- Federal courts have PACER — it's ten cents a page and documents are scanned and available for download.
- Not everything will be posted online, especially in criminal or family cases.

Courts need “good cause” to restrict your access

- Under the law, courts and court documents are presumptively open and public unless judge finds “good cause” to limit access.
- Proceedings involving children are more often closed than open.
- Judges often “rubber stamp” such requests if the other side doesn’t object — you may be the only one seeking access. Will your paper move to intervene?

You may need to get your own lawyer

- Some states and courts will allow a reporter to file a challenge. Many others, however, will require you to file a formal motion to intervene and another motion to unseal.
- This may require the assistance of your newspaper's attorney.

Process vs. narrative

There is a place for both

- You may need to write a “quick and dirty” process story about breaking news: an arraignment, a sentencing, or a key ruling in a motion.
- In the internet age, there’s no reason not to do both.
- Neither has to be dull.

Just the facts

- You've just come out of the courtroom after an arraignment in a criminal case — what do you want to tell the readers about what happened?
- Most defendants plead “not guilty” or enter no plea at their initial court appearance — it's bigger news if they answer “guilty.”
- What is an arraignment anyway? Tell your readers what it is instead of what it's called.

What did the prosecutor say?

- Sometimes an arraignment or bail hearing is the first time we get major details of a case. It's fine to lead with that instead of "Defendant pleads not guilty."
- Does the person have a history of similar behavior? That may also need to go before the routine details of a proceeding.
- If a prosecutor offers a narrative in court, feel free to use it — just remember to keep things in context.

What did the defense say?

- Sometimes a defense lawyer will say little, either inside the courtroom or outside the courthouse.
- Sometimes they will challenge the prosecution's case — it's important to listen carefully and include that information in your story, even if you were planning to write a narrative.
- Did the defense offer details about someone's background? That's also useful — but be careful.

Fair report and other protections

- Defense lawyers may challenge the motives or credibility of witnesses in a case.
- If they do it inside the courtroom, while court is in session, you have some legal protection against libel if that information turns out to be false.
- If they do it on the courthouse steps, be cautious. Just because a lawyer said it doesn't make it true.

Banish jargon!

- Readers want to know what happened, not about the procedural stuff.
- You and your editor may know what an arraignment is, or what a pre-trial conference or allocution is. Most of your readers won't.
- If you're not sure, ask someone (maybe a friendly lawyer or clerk) what something means and how he or she would explain it to a layperson.

Tell a story

- It's easy to feel overwhelmed by all of the information you've gathered.
- Think about how you'd tell the story if you were at dinner with friends. Or how a great novelist might open the first chapter of a book. Or how a lawyer might give a closing.
- Who did what? And then what happened?
- It's okay to jump around as long as it's not confusing to the reader — and as long as you don't take things out of context.

Get to know everyone you can

- Courts are often Byzantine worlds, hard to navigate and understand.
- Find friendly faces — court staff, lawyers, even a judge or two may be willing to help give you background, or tips about stories.
- There are many traditions, such as a court officer or bailiff calling out “Oyez, oyez, oyez!” or having to stand up for the judge or the jury. Be respectful of those traditions. But don’t be intimidated.