

12-1-1991

Media Coverage of Law: Its Impact on Juries and the Public

Valerie P. Hans

Cornell Law School, valerie.hans@cornell.edu

Juliet Dee

Follow this and additional works at: <http://scholarship.law.cornell.edu/facpub>

 Part of the [Courts Commons](#), [Criminal Law Commons](#), and the [Law and Society Commons](#)

Recommended Citation

Hans, Valerie P. and Dee, Juliet, "Media Coverage of Law: Its Impact on Juries and the Public" (1991). *Cornell Law Faculty Publications*. Paper 324.

<http://scholarship.law.cornell.edu/facpub/324>

This Article is brought to you for free and open access by the Faculty Scholarship at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Faculty Publications by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

Media Coverage of Law

Its Impact on Juries and the Public

VALERIE P. HANS

JULIET L. DEE

University of Delaware

Because most of the public has little direct experience with the justice system, public knowledge and views of law and the legal system are largely dependent on media representations. The media provide many lessons about law and justice. In the average American household, a TV set is on for over 7 hours each day, and individual members of the family watch television for about 3 hours. Television news and police and crime dramas account for a substantial amount of incidental learning about the nature of the legal system. Newspapers and films also contribute to the public's knowledge and attitudes about law and the legal system.

This contribution reviews and analyzes the impact of this coverage of law on the public. First, we consider how the media present law, crime, and justice. Our analysis of the content and style of media coverage of legal issues leads to the conclusion that the media mirror presents a distorted view of law. We then discuss the impact of these media distortions on people's knowledge of and attitudes toward law and crime. We conclude with an examination of the effect of media coverage of courtroom trials on juries, the people's representative in court.

THE MEDIA'S SOCIAL CONSTRUCTION OF LEGAL REALITY

CONTENT AND STYLE OF FACTUAL PORTRAYALS OF LAW AND JUSTICE

Law, crime, and justice are frequent subjects of media news. A significant portion of local and national news consists of stories about crime and law (Graber, 1980). Yet the presentation of crime and justice can be misleading.

AMERICAN BEHAVIORAL SCIENTIST, Vol. 35 No. 2, November/December 1991 136-149

© 1991 Sage Publications, Inc

First, the television news coverage tends to be quite brief and disproportionately represents sensational and violent crime (Surette, 1984). Because few TV news stories exceed 2 minutes, the longest "cut" the public sees of a trial is likely to be less than 2 minutes. Coverage often includes prosecutors and defense attorneys making self-serving statements to the media on the courthouse steps or artists' renderings or short clips of action inside the courtroom. Thus television viewers' images of the legal system are largely derived from brief and not very detailed news stories covering extraordinary trials. Although newspapers have greater opportunity to cover cases in depth, they too tend to focus on violent crime and provide few details about the cases they cover (Roberts & Doob, 1990). Furthermore, the prosecution side of the case is presented most frequently (Carroll et al., 1986).

Selective reporting of crime can even create a "crime wave." Fishman (1978) analyzed media coverage of crimes against the elderly and showed that when the media focused on elderly victims of crime, they created a perception that crimes against the elderly were on the increase. The explanations for crime provided by the media tend to be skewed as well. Crime is typically ascribed to individual psychopathology rather than to structural or economic factors (Bortner, 1984; Haney & Manzolati, 1981).

Camera coverage of actual trial and appellate proceedings, now permitted in 45 states on a permanent or experimental basis (Verhovek, 1991), has the potential to provide more accurate information about law and justice. Proponents of camera coverage note that because most people get their news from television, camera coverage can help educate the public about the court process. Yet critics of extended media coverage of courtroom events worry that television news programs incorporating actual footage of courtroom proceedings will still mislead the public by playing vivid highlights of controversial trials rather than the pedestrian goings-on more representative of actual courtroom proceedings. The lengthy presentation by Cable News Network (CNN) of excerpts of actual trial proceedings is an excellent corrective to the more limited presentation of typical television news coverage, yet, understandably, even CNN tends to provide extended coverage only of sensational trials.

If news coverage of the court system in real life proves dissatisfying, viewers who like all problems resolved in less than 30 minutes can turn to such quasi-real programs as "Divorce Court," "Superior Court," or "People's Court." These programs are a type of "reality programming" featuring the "prototrial" (Dumble, 1989). Prototrials are set in courtrooms and consist of real trials acted or reenacted with varying degrees of spontaneity.

In the early days of television, several programs recreated actual court cases: "The Black Robe" (1949-1950), "They Stand Accused" (1949-1952),

"Day in Court" (1958-1965), and "Courtroom USA" (1960). "Divorce Court," which ran for 12 years, from 1957-1969, presented a new divorce case each day.

"People's Court" is the most familiar contemporary program of the prototrial genre. Although the cases on this program are real disputes submitted to small claims courts, viewers without firsthand experience of the court system would no doubt acquire a distorted view of small claims courts from this program, which has a format similar to that of a game show. Judge Abner Mikva (1989), protesting the trivialization of the legal system on "People's Court," was particularly angered by one program that involved a dispute over a \$2.48 slice of pizza:

No one asked Judge Wapner why he pretended to be administering justice for \$2.48. . . . In dealing with such a frivolous case, the show gave viewers a skewed view of the justice system by indicating it's okay to sue over two bucks' worth of pizza. The fact is, it's not okay. (p. 13)

Although "People's Court" has real people with real controversies and a real former judge, Mikva objected to Judge Wapner's facile explanations of his decisions:

As soon as Judge Wapner brings "law" into his courtroom, we are transported to legal never-never land. Judge Wapner prepares his viewers for a knowledgeable discourse on American law about as much as the doctors on "M*A*S*H" prepared their audience to perform surgery.

Dumble (1989) analyzed prototrial programs and concluded that regular viewers of the quick fixes of the prototrials would be quite frustrated if they had to contend with the legal system in real life. Dumble also observed that the lack of a jury on television's prototrials was unfortunate. Many citizens are most likely to encounter the legal system directly through jury service, and the prototrial does nothing to prepare the citizen for that eventuality.

CONTENT AND STYLE OF FICTIONAL PORTRAYALS OF LAW AND JUSTICE

Like the coverage of news programs, violent and sensational crimes dominate the media's fictional accounts of law and justice. Furthermore, law enforcement and the early stages of the justice process are emphasized (Bortner, 1984). Television networks have always encouraged TV producers to include as much "heavy action" (a euphemism for violence) as possible to retain viewers' attention and win high ratings. From the advent of television in 1949 to 1987, there have been 134 police dramas, with 17 of them lasting from 5 to 9 years. In contrast, there have been only about 27 courtroom dramas (McNeil, 1984). Thus television's construction of reality reflects a

preference for the depiction of heavy action and crime control over the portrayal of due process.

"Perry Mason" was the most popular and longest-lived courtroom drama, running from 1957 to 1966. Mason's clients usually found themselves linked by a chain of circumstantial evidence to a murder and were always grateful for his uncanny ability to secure an in-court confession from the real murderer. Avid viewers learned that a person accused of a crime is innocent until proven guilty and that circumstantial evidence can be quite misleading. "The Defenders," which ran for four seasons during the 1960s, dealt with sensitive issues such as euthanasia, abortion, blacklisting, and civil disobedience, and the defenders would occasionally lose their cases. The 1980s have brought us "LA Law" and the comedy "Night Court." Hollywood has produced a number of films set in courtrooms or depicting the legal system, such as "Absence of Malice," "Criminal Law," "From the Hip," "Music Box," "Nuts," "Presumed Innocent," "Reversal of Fortune," "Suspect," and "Twelve Angry Men."

But aside from these productions, the vast majority of television and feature film dramas about law and justice focus on the work of police and detectives rather than the work of lawyers and judges. Whether the cop show is intellectual, such as "Columbo," or more violent, as in "Starsky and Hutch," "T. J. Hooker," "Kojak," and "Miami Vice," the focus is on apprehension of criminals. As the villains are led off in handcuffs by the righteous, viewers are left to assume that justice will prevail. But we rarely see the plea bargaining, arraignment, indictment, trial, or sentencing which follow in real life. Programs such as "Hill Street Blues" and "Cagney and Lacey," in which criminals may escape or kill the police, depict the police with greater realism and include some interactions between the police and the court system.

When they do show lawyers, television dramas often have them in court making a brilliant summation to the jury, although in real life, lawyers typically spend less than 5% of their time in court, and jury trials constitute a tiny proportion of all cases. Lawyers are rarely shown stuck in the library researching statutes, pouring over the *Restatement (Second) of Torts*, and struggling to write their briefs (Macauley & Trubeck, 1989). Television attorneys live in courtrooms, not offices.

If network program executives cannot ask producers to add more "heavy action" to heighten ratings, they will ask producers to add more sex. Consider the portrayal of "LA Law"'s Arnie Becker, a divorce lawyer who spends "more energy taking off briefs than drawing them up for clients" (Brenner, 1989, p. 10). In her article, divorce lawyer Lois Brenner objected to the portrayal of Arnie Becker as a lecherous Lothario and reminded people what divorce lawyers spend most of their time doing in real life. These activities

include writing briefs for temporary support, tracking down and evaluating marital assets, and struggling with contested custody issues.

Despite Arnie Becker's indulgences, "LA Law" improves on previous television courtroom dramas in one sense: Whereas in previous series, such as "Perry Mason," lawyers were aligned with their clients and their clients were almost always innocent, "LA Law" implicates difficult questions of legal ethics such as those that lawyers confront in defending abhorrent, guilty clients. Rosen (1989) observed that the lawyers in "LA Law" can be likable even when defending repulsive clients if they are portrayed as grappling with their difficult choices. "[Its] reception suggests that the public is not so morally immature that it assumes that a profession which is willing to counsel dishonest clients . . . is itself . . . dishonest" (p. 1229).

In addition to the serious drama of "LA Law," there is the spirited situation comedy "Night Court." A child who was never exposed to any other media portrayal of the court system could still learn the following lessons about the American system of justice from "Night Court": (a) If defendants cannot afford to hire an attorney, there will be a public defender (Christine Sullivan) appointed for them; (b) even the strangest defendants will receive some semblance of due process; and (c) some courts convene at night. Of course, certain episodes of "Night Court" might give viewers the impression that judges, prosecutors, and defense attorneys can deliver babies when necessary and that bailiff Bull Shannon can establish instant communication with chimpanzees in trouble (after all, it is a comedy).

In sum, those who lack firsthand experience with the legal system will probably construct their mental images of it from the media's disproportionate coverage of violent and sensational crimes and its focus on law enforcement rather than the trial and due process. They can then fill in the gaps with law game shows, prototrials, and legal soap operas.

IMPACT OF MEDIA COVERAGE OF ATTITUDES TOWARD LAW AND CRIME

The content and style of media coverage of crime and legal issues have considerable impact on people's views of law and justice. Because none of us can catch more than a glimpse of the events of the world firsthand, we must depend on the social construction of reality created by media representations of the world (Lippmann, 1922; Nimmo & Combs, 1983; Tuchman, 1978). Communication researchers use the concept of cultivation analysis to explain the media's influence on the public's conception of social reality. Cultivation analysis deals with long-term, cumulative consequences of exposure to media messages. Beginning with content analysis of media depictions, it proceeds to examine the relationships between exposure to media

messages and audience beliefs and behaviors (Morgan & Signorielli, 1990). Voumvakis and Ericson (1984) and others have argued that media coverage tends to reflect and promote the social and political values of the status quo.

Television's surfeit of crime programs cultivates a sense of danger, a sense that it is a "mean and dangerous world." Studies based on the theory of cultivation analysis have shown that heavy viewers of television violence are more likely to overestimate levels of crime and violence in the real world. Numerous studies confirm that heavy viewers of TV violence have learned that the world is a mean and dangerous place. Hence they are more fearful of crime than are light viewers (Bryant, Corveth, & Brown, 1981; Gerbner, Gross, Morgan, & Signorielli, 1986; Slater & Elliott, 1982; but see also Doob & MacDonald, 1977, 1979). Gerbner and Gross (1976) reported that heavy viewers of television (those watching 4 hours or more per day) gave "television answers" to questions about law enforcement personnel, overestimating the percentage of the population employed in law enforcement. Thus despite television's fictional nature, heavy viewers rely on it to form mental images of police and even the safety of their own neighborhoods.

Just as viewers use television to construct images of crime and violence, viewers rely on television programs to provide information about the court system and the legal process. This is particularly true for the vast majority of viewers who have no firsthand experience in court. Applying cultivation theory, we presume that those who have never personally been in court have composite pictures of the court system based on their accumulated media images of judges and courtrooms from both fictional and factual television.

A series of studies conducted by Roberts and Doob (1990) shows how news coverage can affect people's attitudes about sentencing convicted criminals. Roberts and Doob noted that citizens of a number of Western countries believe that their courts are far too lenient in sentencing criminals. Most citizens, however, learn about criminal sentences from reading or watching news reports, which tend to be quite brief, to overrepresent violent crime, and to present only a small amount of information about the crime and the defendant. Roberts and Doob (1990, Study 1) gave subjects in one study a sample of actual sentencing stories that had appeared in Canadian newspapers and discovered, not surprisingly, that their subjects viewed most of the sentences handed out as too lenient. However, the specific newspaper story affected people's judgments of leniency, with tabloid versions creating greater perceptions of lenient treatment by the judge. Roberts and Doob (1990, Study 3) then conducted an experiment in which subjects were randomly assigned to read either a newspaper account of a criminal sentence or a summary of trial court documents that the judge had considered in imposing the sentence. Subjects who read the court documents were signif-

icantly more likely to see the sentence as appropriate than were the subjects who read the newspaper story. The Roberts and Doob research nicely illustrates that media depictions of sentences can help to create punitive sentencing preferences.

Stalans and Diamond (1990) argued that citizens' perceptions that the criminal justice system is too lenient could stem in part from the overrepresentation of violent criminal offenders in media stories about crime. People may develop images of the nature and frequency of criminal activity as more serious than is actually the case. When asked to judge the appropriateness of punishment for specific crimes, people then draw on these images and assume the typical defendant is a violent repeat offender. In one study, Stalans and Diamond (1990, Study 1) asked respondents to describe a typical burglar. Although court data from the local jurisdiction revealed that just a quarter of convicted offenders had been previously convicted, many respondents in the Stalans and Diamond study believed that the typical burglar had committed at least four prior crimes. Furthermore, perceptions of judicial leniency were greater among respondents who imagined a more serious typical burglar. In another study, Stalans and Diamond (1990, Study 2) showed that presenting more prototypical descriptions of burglaries could reduce judgments that courts were too lenient. Thus both the Roberts and Doob (1990) and the Stalans and Diamond (1990) research suggest that public preferences for highly punitive sanctions in the criminal justice system are one consequence of the media's predilection for covering violent and sensational crimes.

JURIES AND THE MEDIA

Jury service provides the public with direct exposure to the realities of the courtroom. Although not all critical stages of the criminal and civil justice process are contained in the trial, jurors have the opportunity to observe the functioning of the court firsthand. Even here, the media shape jurors' predispositions to trials, filtering jurors' general and case-specific views of the parties, evidence, and legal procedures.

Free Press and Fair Trial: The Problem of Pretrial Publicity

One of the central topics in media law is how media coverage of specific trials influences the fair trial rights of the defendant. In the United States, balancing the rights of a free press and the defendant's right to a fair trial has produced a long line of legal cases as well as scholarly research (see generally, Barber, 1987). American courts have been quite reluctant to

impose prior restraint on the media, and as a consequence the media are free to publish or broadcast most information they obtain. The leading case, *Nebraska Press Association v. Stuart* (1976), left open the possibility of temporary prior restraints in extraordinary cases.

Against this backdrop, it is interesting to note that in Great Britain, concerns about a defendant's right to an unbiased jury led to the passage of the Contempt of Court Act, which forbids all but the most minimal reporting of material that is relevant to ongoing or future criminal proceedings (Howitt, 1982; Young, 1981). It is said that the 1970s Watergate scandal could not have been fully investigated and reported by the press under the strictures of the Contempt of Court Act.

In the United States, the political and legal choices to permit a free press can produce significant problems for defendants whose cases have been covered in the media. Indeed, media stories that contain information about a defendant's criminal record, incriminating statements, or a confession are particularly biasing (Carroll et al., 1986). Judges have employed a variety of methods to attempt to reduce potential jury prejudice resulting from pretrial publicity. Judges may conduct extensive voir dire questioning of prospective jurors about what they have learned and concluded from media accounts of the case, excusing jurors who have heard about the case or who have reached a conclusion about it. Judges may delay the trial hoping that prejudice will dissipate, or they can choose to move the trial to another location where publicity has not been as extensive. They may also instruct the jurors during the trial to set aside any prejudices they may have formed and decide the case solely on the evidence presented at trial.

Each of these methods possesses certain flaws. Voir dire has not been shown to be particularly effective in determining which prospective jurors are prejudiced (Hans, 1986). Part of the trouble is that voir dire is often quite cursory, consisting of questions with strong social desirability features (e.g., "Have you been prejudiced by anything that you have read in the news media about this case?") that require either a yes or a no answer. Often, voir dire is conducted with groups of prospective jurors, so that jurors can learn from others' responses the "correct" answer to a voir dire question. More extensive individual voir dire, in which prospective jurors are permitted to answer a series of open-ended questions in their own words, is more effective in uncovering bias (Hans & Vidmar, 1986). All the same, eliminating prospective jurors who have heard about a case may have deleterious consequences on the representativeness of the jury, as shown in the Iran-Contra trial of Oliver North in which the judge removed all prospective jurors who knew about the Iran-Contra scandal, leaving a pool of potential jurors who were generally

uninformed about current affairs (Minow & Cate, 1990; see Minow & Cate, 1991, for extensive discussion of mass media and juror impartiality).

Judicial instructions appear to be generally ineffective in reducing bias from pretrial publicity (Kramer, Kerr, & Carroll, 1990). Part of the problem is that judicial instructions on most topics are presented in obtuse and convoluted legalese that is difficult for lay jurors to comprehend. But even with perfect instructions, requesting jurors to set aside extremely significant information — such as a defendant's past record or a confession — may simply be incompatible with people's information-processing capabilities.

Trial delay, another alternative, has been shown to be effective in reducing bias from factually damaging publicity in one realistic jury simulation experiment (Kramer et al., 1990). However, in the same study, prejudice from emotionally biasing publicity was unaffected by delay. In the real world, the start of a trial is often accompanied by media updates on information presented in prior stories, a practice that could cancel out any beneficial effects of delay.

Moving the venue or place of a trial is a final option, but most judges eschew changes of venue, citing the burdens of relocating the trial on participants as well as the value of holding a trial in the jurisdiction in which the alleged wrongdoing occurred (Hans & Vidmar, 1986; Vidmar & Judson, 1981).

Thus there are some real problems with the remedies for prejudicial pretrial publicity. There is a great need for sophisticated psychological research that examines the manner in which negative publicity about a case affects juror decision making and that develops better methods for reducing its impact. Even work that enables judges and attorneys to determine whether jurors are likely to be influenced by negative pretrial publicity would be of substantial value.

General Media Effects on Jurors

Greene (1990) recently wrote about how media coverage of general legal issues can influence juror decision making. She became aware of the potential for influence while running an eyewitness identification study in Seattle (Greene & Loftus, 1984). Halfway through the study, the local media published a series of stories about an innocent man who had been falsely identified by an eyewitness. Subjects who participated in the study while the falsely accused eyewitness story was in the news were less likely to believe the eyewitness compared to subjects who participated earlier. Several months later, when the case was no longer in the news, subjects' beliefs in eyewitnesses resumed normal levels. Greene was thus alerted to the fact that media coverage of law and legal issues, even coverage unrelated to a specific case, can shape juror decisions in the case at hand.

An interesting and timely example of general media impact on jurors is provided by media coverage of the so-called litigation explosion and tort reform crisis. During the 1980s, numerous newspaper articles, horror stories and anecdotes, editorials, and insurance company advertisements discussed an apparent "explosion" in litigation, an increase in illegitimate lawsuits, and extraordinary damage awards by runaway juries. Scholars have disputed the existence of a litigation explosion; careful research has shown that although the frequency of some specific types of lawsuits rose in the 1980s, there was no general explosion of litigation (Galanter, 1986). Nevertheless, Daniels (1989) outlined how the combined effect of these publications created widespread perceptions that a litigation crisis existed, that juries were partly to blame, and that the courts were badly in need of tort reform. (The litigation explosion is a civil justice analogy to the illusory crime wave documented by Fishman, 1978.) That such views might affect the decisions of civil jurors has not gone unnoticed — and even may have motivated some of the publicity. As one New York court observed about the potential of insurance ads for creating juror bias, "Despite the defendant's claim that they are merely advocating tort law reform, there is the inescapable implication that the advertisements are geared toward influencing jurors and potential jurors in the decision making process" (*Quinn v. Aetna Life & Casualty Co.*, 1978, p. 480). In interviews with civil jurors, one of us (Hans) discovered that many jurors believe that there is a litigation explosion and speak disapprovingly of runaway juries and exorbitant awards in justifying their own low awards (Hans & Lofquist, 1991). Although it is hard to tease apart media and other influences, it seems likely that these jurors are responding at least in part to media depictions of a litigation explosion.

Thus just as media accounts of the legal world substantially influence citizens' views and attitudes about law, general media coverage can influence jurors' decision making in the courtroom.

Cameras in Court: Their Impact on Jurors

One of the most remarkable changes in media coverage of the courts in recent years has been the growing acceptance of camera coverage of actual courtroom proceedings in the United States. A major concern about camera coverage is that it will affect juror decision making. Opponents claim that camera coverage of a trial could discourage jurors from serving, could distract them during the trial, could interfere with their memory for trial testimony, and could even lead them to change their verdict in a way that would be more acceptable to the public at large (Barber, 1987; Slater & Hans, 1982). Proponents of camera coverage maintain that there is no firm evidence

for any of these supposed deleterious consequences. To explore the effects of camera coverage, a number of states conducted evaluations when they introduced camera coverage. However, the evaluations suffered from a number of design flaws and confounds (Borgida, DeBono, & Buckman, 1990; Slater & Hans, 1982), and the true effects of camera coverage on jurors and the conduct of the trial have yet to be determined.

The impact of camera coverage is ripe for systematic examination. A good field study could take advantage of existing variation among the states in allowable camera coverage. Field work could also be supplemented by experimental research. Kassin (1984) conducted one experiment in which mock jurors deliberated in the presence or absence of a camera. He discovered that although mock jurors were nervous and distracted at first, the distraction effect of the camera diminished over time. Borgida et al. (1990) likewise varied the presence of camera coverage in a mock trial. Mock jurors and mock witnesses described the witnesses as more nervous in the presence of a camera, but witness performance was not detrimentally affected by it.

Although these two studies leave many questions about the impact of camera coverage of trials unanswered, they can serve as models for other research on camera coverage.

CONCLUSION

The media's impact on lay views of the judicial system is considerable. Although cultivation analysis is a vigorous area of research and theory for communication scholars (Morgan & Signorielli, 1990), our review has shown that to date, relatively little work has examined how public understanding of the court system is influenced by media coverage. The focus in the media on heavy action and police drama is duplicated in the academic world by more frequent work on media impact on violence than on attitudes toward law and research on civil justice. Roberts and Doob (1990) and Stalans and Diamond (1990) illustrated how media coverage of crime and sentencing may be fostering public punitiveness in the criminal justice arena. More work applying cultivation analysis to public views of and attitudes toward law and civil justice would be of considerable value for both theoretical and policy reasons.

Our review of the media's impact on the jury indicates that there is a need for effective remedies that protect fair trial rights without hindering the free operation of the press. Most of the remedies now used by the courts are of uncertain value in selecting a fair jury. We need to not only provide good evaluations of these potential remedies and determine under what circum-

stances they do and do not work but develop new methods for dealing with juror prejudice. Technological changes, such as closed-circuit television and the videotaping of testimony, provide some vehicles for reducing what until now were inescapable sources of witness and juror prejudice.

Questions about the media's impact on views and attitudes about law provide a rich source of research topics for psychologists and other social scientists. Yet for a number of reasons, this work provides some daunting methodological challenges. The media's impact on views of law and justice is likely to be the result of many small, incremental effects from different stories, newscasts, and dramas. Such incremental effects may have a strong cumulative impact but nevertheless may be difficult to detect. The multi-methodological approach of the researchers who have combined experimental and longitudinal methods to study the impact of media depictions of violence and aggression (e.g., Comstock, Rubinstein, & Murray, 1972; National Institute of Mental Health, 1982; Report to the Surgeon General, 1972) can serve as a model for those who investigate media portrayals of law.

This review has examined the media's impact on public views of law and the legal system. Media and law constitute interacting systems, and their interaction produces changes in both systems. Rosen (1990) observed that the media have become critical actors in the legal system. By interviewing lawyers on courthouse steps, interviewing jurors after the trial, and reporting case highlights on the evening news, media representatives provide information that is funneled back into the system itself.

Changes in media technology also affect aspects of the legal system. Katsh (1989) maintained that television and other advanced technologies are transforming the legal system. Katsh claimed that electronic media facilitate better communication among members of the community, and as a consequence, legal relations are becoming more accessible, less abstract, and more accommodating of collective goals. As cameras in court and other technological changes become increasingly common, we should investigate both their impact on the courtroom participants and their multiple effects on the community at large and its understanding of law.

REFERENCES

- Barber, S. (1987) *News cameras in the courtroom: A free press-fair trial debate*. Norwood, NJ: Ablex.
- Borgida, E., DeBono, K. G., & Buckman, L. A. (1990). Cameras in the courtroom: The effects of media coverage on witness testimony and juror perceptions. *Law and Human Behavior, 14*, 489-509.

- Bortner, M A (1984) Media images and public attitudes toward crime and justice In R Surette (Ed), *Justice and the media Issues and research* (pp 15-30) Springfield, IL Charles C Thomas
- Brenner, L (1989, June 17) Attention, Arnie Becker Your motions in courtrooms—not bedrooms— would be more help *TV Guide*, pp 10-11
- Bryant, J , Corveth, R , & Brown, D (1981) Television viewing and anxiety An experimental examination *Journal of Communication*, 31, 106-119
- Carroll, J S , Kerr, N L , Alfani, J J , Weaver, F. M , MacCoun, R J , & Feldman, V (1986) Free press and fair trial The role of behavioral research *Law and Human Behavior*, 10, 187-201
- Comstock, G A , Rubinstein E A , & Murray, J P. (Eds) (1972) *Television and social behavior* (Technical reports to the Surgeon General's Advisory Committee, 5 vols) Washington, DC U S Government Printing Office
- Daniels, S (1989) The question of jury competence and the politics of civil justice reform Symbols, rhetoric and agenda-building *Law and Contemporary Problems*, 52, 269-310.
- Doob, A N . & MacDonald, G E. (1977) The newsmedia and perceptions of violence In *Report of the Royal Commission on Violence in the communication industry: Vol 5. Learning from the media* (pp 177-226) Toronto, Canada Royal Commission
- Doob, A N . & MacDonald, G E (1979) Television viewing and fear of victimization Is the relationship causal? *Journal of Personality and Social Psychology*, 37, 170-179
- Dumble W V (1989) And justice for all The messages behind "real" courtroom dramas In G Burns & R J Thompson (Eds), *Television studies Textual analysis* (pp 103-120) New York Praeger
- Fishman, M (1978) Crime waves as ideology *Social Problems*, 25, 531-543
- Galanter, M (1986) The day after the litigation explosion *Maryland Law Review*, 46, 3-39
- Gerbner, G , & Gross, L (1976) Living with television The violence profile *Journal of Communication*, 26(2) 173-199
- Gerbner, G , Gross, L , Morgan, M , & Signorielli, N (1986) *Television's mean world Violence profile no 14-15* Philadelphia University of Pennsylvania, Annenberg School of Communications
- Graber, D A (1980) *Crime news and the public* New York Praeger.
- Greene, E (1990) Media effects on jurors. *Law and Human Behavior*, 14, 439-450.
- Greene, E , & Loftus, E F (1984) What's new in the news? The influence of well-publicized news events on psychological research and courtroom trials *Basic and Applied Social Psychology*, 5, 211-221.
- Haney, C., & Manzolat, J (1981) Television criminology Network illusions of criminal justice realities In E Aronson (Ed), *Readings about the social animal* New York. Freeman
- Hans, V P (1986) The conduct of voir dire A psychological analysis (3rd ed , pp 125-136) *Justice System Journal*, 11, 40-58
- Hans, V P , & Lofquist, W S (1991, June) *Lay perceptions of business responsibility for harm* Paper presented at the annual meeting of the Law and Society Association, Amsterdam, Holland
- Hans, V P , & Vidmar, N (1986) *Judging the jury* New York Plenum.
- Howitt, D (1982) Pre-trial publicity The case for reform *Current Psychological Reviews*, 2, 311-322
- Kassin, S (1984) TV cameras, public self-consciousness, and mock jury performance *Journal of Experimental Social Psychology*, 20, 336-349
- Katsh, M E (1989) *The electronic media and the transformation of law* New York Oxford University Press

- Kramer, G P, Kerr, N L, & Carroll, J S (1990) Pretrial publicity, judicial remedies, and jury bias *Law and Human Behavior*, 14, 409-438
- Lippmann, W (1922) *Public opinion*. New York: Macmillan.
- Macauley, S, & Trubeck, D (Co-Chairs) (1989, June) "LA Law" and society. Panel discussion presented at the annual meeting of the Law and Society Association, Madison, WI.
- McNeil, A (1984) *Total television: A comprehensive guide to programming from 1948 to the present*. New York: Penguin.
- Mikva, A J (1989, April 22) He's no hero. The verdict on Judge Wapner *TV Guide*, pp 12-14
- Minow, N, & Cate, F H (1990, January 25) Must ignorance be a virtue in our search for justice? *Los Angeles Times*, p B7.
- Minow, N, & Cate, F H (1991) Who is an impartial juror in an age of mass media? *American University Law Review*, 40, 631-664
- Morgan, M, & Signorielli, N (1990) Cultivation analysis: Conceptualization and methodology. In N Signorielli & M Morgan (Eds.), *Cultivation analysis: New directions in media effects research* (pp 13-34). Newbury Park, CA: Sage
- National Institute of Mental Health (1982) *Television and behavior: Ten years of scientific progress and implications for the eighties*. Washington, DC: US Government Printing Office
- Nebraska Press Association v Stuart, 427 U S 539 (1976)
- Nimmo, D, & Combs, J E (1983) *Mediated political realities*. New York: Longman
- Quinn v Aetna Life & Casualty Co, 96 Misc 2d 545, 409 N Y S 2d 473 (S Ct, Queen's County, 1978)
- Report to the Surgeon General (1972) *Television and social behavior*. Washington, DC: US Government Printing Office
- Roberts, J V, & Doob, A N (1990) News media influences on public views of sentencing *Law and Human Behavior*, 14, 451-468
- Rosen, R E (1989) Ethical soap "LA Law" and the privileging of character. *University of Miami Law Review*, 43, 1229-1261
- Rosen, R E (1990) Liberal battle zones and the study of law and the media: A legal academic's afterword *Law and Human Behavior*, 14, 511-521
- Slater, D, & Elliott, W R (1982) Television's influence on social reality *Quarterly Journal of Speech*, 68, 69-79.
- Slater, D, & Hans, V P (1982) Methodological issues in the evaluation of "experiments" with cameras in the courts *Communication Quarterly*, 39, 376-380
- Stalans, L J, & Diamond, S S. (1990) Formation and change in lay evaluations of criminal sentencing: Misperception and discontent. *Law and Human Behavior*, 14, 199-214
- Surette, R (Ed) (1984) *Justice and the media: Issues and research*. Springfield, IL: Charles C Thomas
- Tuchman, G (1978). *Making news: A study in the construction of reality*. New York: Free Press
- Verhovek, S H (1991, May 28) News cameras in courts? New York's law disputed. *New York Times*, pp B1, B6.
- Vidmar, N, & Judson, J. (1981) The use of social science in a change of venue application. *Canadian Bar Review*, 59, 76-102
- Voumvakis, S E, & Ericson, R V. (1984) *News accounts of attacks on women. A comparison of three Toronto newspapers* (Research report). Toronto: University of Toronto, Centre of Criminology.
- Young, I (1981) The Contempt of Court Act 1981 *British Journal of Law and Society*, 8, 243-255