

Logistics Of A High Profile Trial

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The judge in the case of Jerry Sandusky - the former Penn State assistant coach accused of multiple counts of child abuse - issued an [order](#) this week detailing how the media can cover the proceedings. The terms of the order highlight the issues a court needs to address in a digital world. Among other logistical issues are the very basic space concerns. Much like a Penn State football game, there are more people who want to attend than there are seats. So the order carves out specific spaces for the media in the courtroom, but also sets up a satellite room to accommodate the overflow. As an aside, I was arguing an appellate case in Iowa earlier this year, and that court required that the lawyers sit in a separate room until their case was called. The room had a closed circuit feed of the courtroom proceedings. As I sat in the overflow room, the judges came into the courtroom and the bailiff said "all rise." Like a legal Pavlov's dog, I jumped up to my feet. But I digress. The order also prohibits attendees from using lap tops or smart phones, in the court room, but provides that the media are not bound by that prohibition. What is interesting about the order is that the court tries to define "media." In doing so, it creates three divisions - print, broadcast and digital. And in its definition of digital media, it seems to recognize the possibility that an individual blogger could qualify. The key is whether the individual "gather[s] procur[es], compil[es] edit[s] or publish[es] news on a daily or weekly basis." The court's recognition of bloggers as "media" is pretty progressive. But other parts of the order are not as progressive. For example, while the media can tweet and text on their electronic devices, they can't transmit photos, video or audio of the proceedings. I don't get really get that. Access to the system is a good thing. And given today's technology, it's really not obtrusive to photograph or video tape what's happening. The famous Scopes "monkey" trial in 1925 [was broadcast live on WGN radio](#). In a trial that's generated this much interest, it would be nice to follow the lead of an 85 year old case.