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## Panel Discussion 2: Cross Training: Journalism for Lawyers, Law for Journalists

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**PANEL DISCUSSION 2:  
CROSS TRAINING: JOURNALISM FOR LAWYERS, LAW FOR  
JOURNALISTS**

*Joie Chen  
James Duff  
Kim Helper  
Cynthia Moxley*

AMY WILLIAMS: This panel will perhaps demystify the world of journalism for the attorneys in the room, as well as the legal world for the journalists in the room.

Many of you will recognize Joie Chen as one of the main anchors on CNN's "The World Today", as well as anchor on CNN International. She was also the creator of the network's first interactive news program, "News Site with Joie Chen". Chen then moved onto CBS, working as a White House and Capitol Hill correspondent and contributor for "CBS Sunday Morning." She's received numerous awards in her journalism career, including two national Emmy awards and the Gerald Loeb Award in financial journalism. Chen left the field of journalism just three years ago and is now the executive vice-president for Branded News Worldwide, a company that combines journalism and public relations by creating branding concepts for online applications for corporations. Chen has worked with in-house and outside counsel to create responsive journalism to negative reports about companies' products, as well as working proactively to promote a company's brand and to create news stories specially related to an organization's platform.

James Duff is the president and CEO of the Freedom Forum, an organization which champions First Amendment and media issues, operates a museum in Washington, D.C., and helps fund the First Amendment Center in Nashville. Mr. Duff is an attorney who worked in

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Chief Justice Warren Burger's chambers for four years while he attended Georgetown Law School. He served as counselor and administrative assistant to Justice Rehnquist and was his liaison with Congress, the Executive Branch and various state and federal organizations. He also served as counsel to the Chief Justice in his role as presiding officer of the Presidential impeachment trial in 1999. Mr. Duff also spent several years in private practice at Clifford, Warnke, Howrey, Simon, and Baker, Donelson, Bearman, Caldwell, and Berkowitz. At Baker, Mr. Duff was managing partner of the Washington office, represented the University of Kentucky's federal interest, served as counsel to the Freedom Forum and was appointed by the NCAA to review its procedures and provide recommendations.

Next we have Cynthia Moxley. Ms. Moxley is the face of public relations in East Tennessee as the founder and CEO of Moxley Carmichael. She offers services in public relations, media relations, crisis management, image campaigns and more. Her clients include major corporations, smaller businesses and government officials. Ms. Moxley has her own blog, The Blue Streak, which has earned her the title as best blogger from the Knoxville News Sentinel. She's also won numerous public relations awards, including several from the Public Relations Society of America. Ms. Moxley also has experience in the field of journalism. She spent more than a decade at newspapers in East Tennessee, including the Gatlinburg Press, the Sevier County News Record and the Knoxville Journal.

You have already met Kim Helper from earlier this morning.

Our moderator is Dr. Sam Swan. He is professor and director of the Internationalization and Outreach Program for the College of Communications and Information here at UT. In this position, he provides leadership for college-wide, international and outreach programs. His prior professional experience includes

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-serving as a news director, news reporter, anchor, producer and manager for various television and radio stations in Missouri. He has served since 1995 as executive producer for a weekly public affairs program, *UT Today*, airing on WBIR locally. Dr. Swan has conducted broadcast journalism and management workshops for media professionals around the world, working for the Voice of America, the US State Department, IREX and other agencies. Additionally, he is the recipient of the Ed Bliss Distinguished Journalism Educator Award presented by the Association of Education in Journalism and Mass Communications.

**SAM SWAN:** Thank you. I'm happy to be here to represent the College of Communication and Information. We're going to focus today on some of the conflicts and collaborations in communication between journalists and lawyers.

First, I want to mention John Seigenthaler and the great work he's done over the years in journalism education. He served for many years on our Board of Visitors. And right now we, as are all journalism schools around the country, are looking at how to do a better job of preparing journalists for this new world we're living in. Everything is changing very quickly, and it's a challenge to prepare students today for the challenges they will face tomorrow.

With that, I'm honored to serve as the moderator for today's panel. We have four distinguished panelists. We will hear from each of them first, and then there will be a few questions.

We are all aware of the adversarial relationships that can develop in court cases between the prosecution and defense teams on both sides, but beyond that, there are other potentially adversarial relationships that can occur. Journalists are assigned to cover a court case. They have a

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job to do. They're trained to cover that case, but may be blocked at every turn by judges, by lawyers, by everyone who, it seems, are hell-bent on keeping us from getting the story. But we have editors, we have news directors who are telling us we'd better bring them a story by deadline today or we're fired. And that's happened more than once. Journalists are assigned to cover court cases, but it's not easy.

Some firms hire public relations firms to assist in helping journalists do their job, in helping law firms put the best spin on their clients. And so that adds another dimension to this entire interaction. In addition to that, we'll discuss the challenges faced by lawyers who are charged with the responsibility of prosecuting or defending their clients while, at the same time, having journalists constantly at their heels trying to get all the information that they can in order to meet their deadlines.

We have asked the journalists on today's panel to discuss the challenges they've faced covering these legal issues, how news cycles work, how stories are pitched, what goes into reporting a story on a daily basis for that deadline, and the twenty-four hour news cycle. We've asked attorneys on the panel to discuss what they expect from the media and what journalists can do to facilitate a better relationship. We believe we have all of those points of view covered with these four distinguished panelists. So with that, I would like to ask Joie Chen to begin.

**JOIE CHEN:** Thank you all, particularly to the University, to my friend, Amy Mohan, and to all the team here for inviting us here to speak to you. It's always a difficult situation to be a reporter who gets called to speak to lawyers, because usually when that happens, either we've done something wrong or you've done something wrong. And there's never anything good to the start of that relationship. So I'm quite relieved to be here today to try to

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smooth some of that adversarial stuff the professor was talking about.

I think it is absolutely true that the nature of our industry has changed so much and so rapidly that we are really looking at a different breed of young reporter. What we have, in particular, are younger, less monitored reporters. I left the business of television news after twenty-five years, and I don't have any regrets about doing that. I'm not concerned that you take away some old reporters, but I do worry when you start taking away senior editors, because I think what happens is you have fewer people who are able to monitor, to edit. That is the point of having an editor, someone who understands the complexities of the issues.

We have an environment in which we have fewer specialized reporters, fewer legal reporters. When I went to CBS, I started going to Capitol Hill as a correspondent in the 108th session. And about six weeks into it, somebody asked me where I was from. I said CBS. And they said they had not seen a CBS correspondent. Turns out the CBS Evening News did not have a correspondent covering Capitol Hill for two years. So what's happened is you lose the specialization and the ability and the understanding and the context of reporters. I was obviously a fairly young reporter, but there were people coming along behind me who were younger and less experienced and less knowledgeable than I was going into an environment that the network either didn't think was important enough or couldn't finance. I'm not going to make a judgment about what they did or didn't do, but the reality was CBS News did not have a correspondent on Capitol Hill, which is just astonishing.

We live in an environment where there are younger reporters, less edited reporters, reporters who, through their journalism education, don't have the opportunity to study ethics or legal issues as much as prior generations have. We

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could all talk about the weaknesses of that. I'm only here to tell you that that is a reality and will probably continue to be reality.

The problem for you, as counsel to clients in a multitude of situations, whether it's criminal clients or corporate clients, is that you're talking to a younger group of reporters who don't have the experience and aren't going to be edited and do not understand what you're talking about.

I was talking to Mr. [Jerry] Summers earlier today about the notion of whether there should be more cameras in the courtroom. I'll make the argument that I don't want to see cameras in state courts, but I would like to see cameras in the Supreme Court. Because I think the way television uses those cameras is not particularly a good service to the public. The idea is that we should have transparency in the courtroom by putting cameras in the courtroom. Well, what actually ends up happening is that you have a Casey Anthony trial that gets disseminated and watched by people, but they're not really getting the whole context. And a reporter who's covering a local news issue is going to take a twelve second sound bite and put it on the air without that kind of context. So you're making my job easier as a reporter because I'll have a sound bite to use, but you aren't necessarily serving the public as meaningfully.

Nevertheless, I think that it would be important to have transparency at the Supreme Court level where I really do, as a citizen of this nation, want to understand the complexities of that environment and those kinds of cases. That's where it's really important. That's where it's transformative to our understanding of the nation and our laws.

But I digress, and I do that a lot. Remember that I was on cable television for ten years, and we can pretty much talk for four hours at a time without having any factual information.

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We have younger reporters, we have fewer opportunities, but we have greater obligations for those reporters. We tell a young television reporter that you've got to file for the 7:00 a.m. and the 8:00 a.m. and the 9:00 a.m. and the noon show and the 4:00 show and the 5:00 show and the 10:00 news and the 11:00 news. And, also in between, we want you to file for the online news service. And some young reporter who isn't being that well monitored to begin with has got to keep generating that stuff. You're going to go into a complex legal situation and I'm going to get a ten second sound bite of you. That sounded like a sound bite, so I go with it. I need to get that out there because I only have this many opportunities to get my news on the air.

It is a real risk, covering legal issues. It's really quite problematic, and I worry about that a good deal. Maybe you get sound bites that are right, but not stories that are complete. And this leads me to what I've been doing for the last four years now, working in an area of digital and online communications. What we found comes down to this: In the digital age, every corporation, individual, government agency and nonprofit has the opportunity to be their own media company, to tell their own side of a story. Sometimes that's problematic. But what if you use that platform to advance understanding of a story or issue or point of view?

[referring to a PowerPoint presentation] This is an example of a case that I worked on. This is a product manufacturer -- Remington Rifles, the oldest firearms manufacturer in the United States and the oldest in the world continuing producing. They faced a really difficult communications issue. They knew that a major network, CNBC, was planning a harsh story about one of their products, the Remington 700. It's a bolt action rifle. There have been lawsuits by people who claim that it had accidentally discharged. The company maintains that this is

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not a flawed product. It has settled some suits. But now here comes CNBC, a very powerful news organization, that's going to tell a story. And the story is almost guaranteed to be quite negative. How could it not be?

So Remington is asking, what can they do? Do they submit to an interview with CNBC where they know the story's going to be negative? As legal counsel, can you tell your client, sure, sit down with the news media because they're going to present a fair story, when you know they're already coming out with a negative story?

What's another way? Tell your own story. Remington did not actually sit for this interview. They released a paper statement through their legal counsel. And they chose to create an online presence in which we told their side of the story, and waited till after the CNBC report aired. It was an hour long program, and we responded with what I would call responsive reporting. I'm not sure I call this journalism, but I would say this is responsive reporting to what they saw on CNBC.

Our mission in this was to tell a story that we did not think could be told by talking to the news media. I'm just going to play it for you.

(Video recording:) "In fact, a review of the program uncovered numerous inaccuracies, misstatements and mischaracterizations all in support of a false conclusion that a design flaw in the model 700 makes it prone to accidental discharge. Since the first model 700s were introduced almost fifty years ago, more than five million have been sold to generations of satisfied shooters. Billions of rounds have been fired. Although a small portion of those millions of users have told the company a model 700 rifle went off when they didn't intend for it to, both Remington and experts hired by the plaintiffs' attorneys have tested accident guns which were alleged to have fired without a trigger pull. And neither has ever been able to duplicate such an event on guns which have been properly

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maintained and which had not been altered after a sale. No scientific test has ever supported the accidental discharge theory of plaintiffs' lawyers and their experts. That's true, even with the gun at the center of the CNBC report. The reporter tells the compelling story of the Barber family who lost their son in a hunting accident a decade ago. But the show never reveals the condition of the gun, which experts found was heavily rusted with the trigger engagement screw, safety lever and fire control mechanism all adjusted or removed and reinstalled. A statement made shortly after the incident concluded that a number of abnormal conditions existed in the Barber's firearm. Even so, experts for both Remington and the family found the Barber's gun worked properly when it was tested. The supposed flaw could not be repeated. The gun fired only when the safety was in the fire position and the trigger was pulled, exactly as it was designed to do."

(End of video recording.)

JOIE CHEN: This is another way to deal with the media in an environment when you know that you might not get full reporting. Maybe not inaccurate reporting, but you might get only part of the story. What is the option that allows the client's side of the story to be told? There were some legitimate arguments they made. We actually watched this program with the company's lawyers. It's an hour long program. There were a hundred facts that the company disputes and the history of the litigation disputes. And they were all over the place. There were police reports in which a certain set of facts were laid out, but they were completely --I don't want to say misrepresented, but represented in a way that was different than the words in the police report. Is that misrepresentation? Talk to a lawyer. But this was their best shot at speaking directly to the audience they wanted most to understand their view of the story. This is a side of the story that they understood

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would not be told in the CNBC report no matter what they did. No matter how many interviews they would submit their client to, they didn't think that a full story would be told.

Because reporters, by our nature, we're working very fast, we're entering into something quickly, we're studying something quickly, we're analyzing it very quickly, and then we're telling other people about it. So our tendency is going to be to reach out and try to deliver information in a sound bite. It's going to happen very quickly. And we are going to go for drama. We're going to go for the best characters and the best storyline. And an easy storyline is a woman is out hunting with her ten old son and accidentally shoots and kills him because she says the product was flawed. But the emotional part of the story that the reporter's going to go for is the woman held her ten year old son in her arms as he died. And you are never going to get a story that's going to refute that on television. No matter how many facts you present, you're not going to get that. You're not going to be able to reach that emotional field.

I'm just asking you to consider that there are new ways to leverage the relationship with the media, whether that means developing relationships with reporters directly, by lawyers to reporters that they know will be covering their stories to try to develop that arena of trust, an opportunity to be able to give them off-the-record comments and know what's off the record and what isn't, or whether it involves hiring a communications expert who does litigation communications and can actually help you tell your side of the story to reporters.

There is also another opportunity, which is to find ways for your client to be able to tell his or her own side of the issue. I have another example. I'm not going to make you watch it, but we also worked with branding for clients. I was contacted by general counsel of an

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organization/corporation led by the man who started TD AmeriTrade, a big online brokerage with the largest volume in the world. This gentleman is now in seven other lines of business. And as his counsel, the lawyer told me that they were also in the business of reputation manager, of trying to help his image. He's not facing any litigation problems, but how does the lawyer help her client establish his brand digitally and tell his story online? This is equally a way you can use relationships with people who have journalism training to reach out and talk directly to audiences.

What it goes back to is that we should not be frightened by the idea that there are new kinds of journalism and information going out there. We should take advantage of those opportunities and use that to build the relationship between lawyers and people who tell stories. Whether we call them journalists or not, they are people who are in the business of storytelling to uphold your interest in your cases and those of your clients and their reputations.

**SAM SWAN:** Thanks, Joie. And next we're going to turn to Jim Duff.

**JIM DUFF:** Thank you, Sam. It's great to be with you here in Knoxville. My roots are in Kentucky, not too far from here. I actually was a walk-on on the basketball team at the University of Kentucky, so we used to like to come down to Knoxville every once in a while. Our football team does not like to come down here to Knoxville, and sometimes our basketball team doesn't like to either. But it's great to be back.

First of all, I just want to pay tribute to John Seigenthaler and all he's meant to us --he's a national treasure. I got to spend yesterday at lunch with another national treasure, and that's Senator Howard Baker, with

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whom I worked for many years. And I love the fact that we're in the Baker-Donelson classroom here. That's a nice bit of a homecoming for me too. I did get to be his managing partner in the Washington office of that firm for a number of years.

If you ever spend any time with Senator Baker, you know you're going to have some stories to tell. We traded stories yesterday. I'll share one with you out of a court experience that I had recently from a judge. We were talking about moonshining. His grandmother was a sheriff and my grandfather was a sheriff, so we had a lot of moonshining stories to tell. But my favorite was this judge down in Florida. There was an old moonshiner down there and the revenuers were after him. He got tipped off to it. And they pulled his truck over on the side of the road one day. He had some jugs in the back. And they went back and they said, Buford, you're under arrest. He said what for? And they said, moonshining. He said, well, that's not moonshine - go taste it, it's water. So they went back there, and they opened it up and took a swig. And, sure enough, it was water. So the feds got a little irritated and they charged him with fraud. So they go to trial and the first question from the prosecution is, what do you do for a living? And he said, I sell water to the federal government. So sometimes your clients have a better story to tell than even the lawyers could come up with.

I thought today I would give you a little bit of a different wrinkle in the panel discussion so far, and that's something from the Court's perspective. And then I want to dovetail with what John Seigenthaler had to say about our judges and justice and journalism projects at the Freedom Forum, which are really crucial to the future of our country because of the nature and necessity of the interaction between the courts and the media.

My experience in the government has been with the court system. As was mentioned earlier, I started in Chief

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Justice Burger's office back in the mid-70s. And in those days, a relationship with the media was one of great distrust, almost hostility. But if you put yourself back in that time frame, we were really fresh off of what was the greatest journalistic achievement in investigative journalism -certainly in my lifetime, and I would say also in the history of the country-and that was Watergate.

What journalists did and Bob Woodward and Bernstein did in particular with the investigation of Watergate and exposing governmental abuse was an enormous benefit to the country in exposing government wrongdoing. That was certainly the plus side of what's happened within journalism and the good that it can do. After writing a couple of books, Bob Woodward turned his sights onto the Supreme Court and was going to do a book about them. And, naturally, there was a lot of nervousness at the Supreme Court at the time, because he was great at uncovering scandal and was an accomplished journalist and well respected just shortly in the aftermath of Watergate.

He wrote the book, called Brethren.<sup>123</sup> As it turned out, there really wasn't any scandal in the Supreme Court at the time. It was an interesting perspective that he had on the interactions of the Justices at the time. But there really was no particular scandal there to uncover. It didn't foster or improve press relations with the Court.

And then during that time frame, Chief Justice Burger also attempted to reach out to improve relations with the media. I would have to say in retrospect, there wasn't really the attitude there to do so in a very aggressive way. You've made great improvements since then. But in the context of reaching out to the media, Chief Justice Burger invited some of those who covered the court on a regular basis at that time to come to the conference room at the Supreme Court and he would show them around and

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<sup>123</sup> BOB WOODWARD AND SCOTT ARMSTRONG, *THE BRETHERN* (1979).

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give them a little background off the record on the workings of the court.

In the course of that visit from the media, an ABC reporter named O'Brien got out of eyesight and picked up a crumpled piece of paper, in the fireplace in the conference room, that had information on it that he later used to disclose the outcome of a case at the Supreme Court before the Supreme Court announced the decision. Well, that was not very well received at the Supreme Court, as you might imagine. So press relations remained somewhat sour in those years.

Years later, after going back into the private sector in law practice, I became counselor to Chief Justice Rehnquist. And we made some real efforts to improve relations with the media. And those were, in a very great way, improved by John Seigenthaler and others who reached out to the courts to try to make improvements to the relationships. We've made some good strides there.

Fast forward a few years hence, and Chief Justice Roberts asked me to become director of the federal courts. I served in that position for five years. And it was during that period of time where it really came home to me how much the courts need the media. The courts are still suffering from underfunding. The number of vacancies on the courts is quite high. Salaries are a real problem in the judiciary. In major urban areas judges are vastly underpaid. It's a little harder to make that argument in Booneville, Kentucky where my family's from, but nationwide it's a major problem. And what's the solution for the courts? Obviously, we do go to Congress for help. But the media plays a very important role in exposing and advocating for the judiciary when our judges don't really get out and lobby for themselves in that regard. So the media is important to the functioning of the judiciary, the independence of the courts.

Today you have a presidential candidate who is advocating bringing judges in front of investigative bodies

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for the opinions that they issue. And what's the recourse to that for the courts? Who advocates on their behalf? To a very large degree, it's the media. So there's obviously a need to cultivate better relationships between the judiciary and the media.

Conversely, now I'm at the Newseum. I had a friend who was visiting recently that I bumped into over Thanksgiving, and he told me the story of one of his acquaintances who's from Russia. He was taking him through the museum, and his acquaintance said that in Russia they had a free press also, but the difference in Russia and America is in America you're free after you publish. It was a very profound observation. Why is that? The reason is very simple-the First Amendment to the Constitution of the United States. There are five freedoms in the First Amendment. But what's the difference between Russia and the United States? There are many countries around the world that have a Bill of Rights. Many countries have a more elaborate Bill of Rights than we do in the United States, but they're unenforceable because they don't have an independent judiciary. The difference in the United States is if Congress does pass a law abridging freedom of the press, you have an independent judiciary that could step in through litigation and do something about that, declare the law unconstitutional.

The brilliance of our founders is that they devised a system which is so intricately involved in checks and balances, and so very important in that system of checks and balances is an independent and free press-and an independent and free judiciary to make it work. I've been very fortunate in my career to get to work with some real national treasures and leaders -recently getting to work with John Seigenthaler on his Justice in Journalism programs is really a capstone of a very lucky career on my part. A big part of that program is going to be bringing judges and journalists together to communicate with each other about

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their needs and to help them recognize how much they do need each other.

They are very different kinds of organizations. As Joie was describing the media and its need to act and respond quickly, I was sitting here thinking that's exactly the opposite of the judicial branch. They act very slowly. They deliberate. They try to get out of the heat of the moment and deliberate in a calmer atmosphere and environment. And they give opinions on their own clock. There's not a deadline. There isn't a twenty-four hour news cycle that they really worry about. Through communications between the judges and the journalists, they can recognize their cultural differences.

During one of the meetings with Chief Justice Rehnquist with the press, they were after him because all the difficult decisions that the Supreme Court issued came out the same time, at the end of June, because they're so difficult. The hardest cases, which take the longest to deliberate over, to draft, to build your majority, usually come out at the end of the term. And the journalists cannot stand this because they've got a deadline the next day. You've got five cases that come out the same day, and they're all equally high profile or important, sometimes. And so they've asked the Chief Justice, can't you dribble out these decisions little by little, give us a little advance so we can do a better job of reporting on the important decisions of the court? I think that's a reasonable request on the part of the journalists. It is completely foreign to the thinking of a judge or justice on the Supreme Court. But it's putting them in the same room together to talk about this, because what the media wants is access and transparency, and what the courts want is accuracy and getting it right.

The things that I think irritate judges the most is when the reporting isn't quite accurate. There's another element, as both John [Siegenthaler] and Joie [Chen] mentioned, and that is the decline in the beat coverage of

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the judiciary. Mark [Curriden], you alluded to this earlier when we were talking about Fred Graham. When I first started working at the Supreme Court in 1975, there were beat journalists who covered it regularly, and they did a pretty good job of getting it right. Even under the deadlines that they had, they did a pretty good job of getting the stories accurate. It really hit me that this has changed, and it's because of what John said in that the funding is drying up. There isn't enough money to devote to coverage of the courts. Not only the Supreme Court, but the local court level and local reporters, they don't have beat coverage anymore.

But when it really hit me was in *Bush v. Gore*,<sup>124</sup> because if you remember watching the aftermath, as soon as that case was announced, the reporters came running out from the Supreme Court with decisions in their hands to report on what the Court had decided. And only one reporter got it right. It was Pete Williams, because --

UNKNOWN SPEAKER: No, Dan Abrams got it right. Dan Abrams was really good.

JAMES DUFF: Well, all right. Maybe I missed it. But most of the reporters were unfamiliar with the opinion. They were flipping through, trying to figure out what the vote was. And Pete Williams, who covered it regularly-and maybe Dan, I didn't see the report from Dan-got it right. My point is that it was because he covered the court regularly.

To improve the accuracy, I think you have to have more regular coverage. One of the brilliant things John Seigenthaler is coming up with is the notion of getting journalism students to, in the last year of school, cover courts as sort of an internship. It gives them an opportunity to learn the trade. It gives the courts more accurate

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<sup>124</sup> *Bush v. Gore*, 531 U.S. 98 (2000).

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coverage. The longer you're on a beat, the better you're going to get at it. So it's a win/win in that scenario. And it's something I think journalism should really embrace.

We've been trying to get that done within the legal profession for a number of years-that is, converting the third year of law school to an internship. This dates back to the Burger years that in medical schools, you would never graduate from medical school without an internship. You would never go to a doctor that didn't have an internship, and yet we send lawyers out to practice law with no real practical experience. They're getting the experience at the expense of their clients in their first years on the job. This why I think John's idea was so brilliant, is that if you make internships available to journalism students in their last year of journalism school, they would get good, practical experience and that would benefit the judiciary also in getting more accurate coverage.

Those are my observations, and as we go through the panel discussion, I'm happy to respond and answer any questions you may have.

**SAM SWAN:** I'm glad to hear you make the comment about internships, something we strongly believe in and we require for all of our journalism students here at UT. I would like to invite Kim to go next.

**KIM HELPER:** Good afternoon. I may try to take a little bit more of a practical approach based on some situations that I've encountered. I did tell you I was going to come back to Nancy Grace. I've never met the woman. I don't have any bias one way or the other, but I'm going to read to you something that happened a couple of months ago that really made my job very difficult. When we talk about accuracy in doing the right thing this is where, from my perspective, I run into problems with reporters-when it becomes sensationalism as opposed to being accurate, or it becomes

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“this is what my story is going to be about and what you say doesn't really matter.”

“Bombshell Tonight” is how it starts. “In a stunning twist, Rodney Atkins walks free on low bond after allegations he tries to murder his own wife. A country superstar divorce explodes in claims of attempted murder, but the star takes to the stage on national TV, even in sold out concerts.”<sup>125</sup> It wasn't an attempted murder. No one ever said it was an attempted murder. Even the victim didn't say it was an attempted murder, but Nancy Grace did. This was a domestic assault case very similar to any kind of domestic assault case that we handle. Those are very difficult cases for a prosecutor to handle, in part because you often have a victim who has relied very heavily on the alleged abuser for support. There are a lot of emotions involved.

In this case, there was a ten year old son who was present. In the course of this program, they suggested that no one even interviewed the son, which was totally inaccurate. But, ultimately, what ended up happening was the case was basically put on hold for a year. He was given some conditions to follow. As long as he followed the conditions, the case would be dismissed at the end of the year.

I knew that because of the attempted murder allegations, it was going to be a very difficult story to convey to the media. And because it was Rodney Atkins, a country superstar, we had three cameras in the courtroom that morning when he was coming to court. The plus of it, as I talked about a little bit earlier, is I really do try to foster a good relationship with the media that's in our area. And I turned around that morning and one of the reporters there was someone I had worked with before. It was an excellent opportunity for me to say that what's happening is not anything different than what happens to any other domestic

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<sup>125</sup> Nancy Grace (CNN television broadcast Dec. 22, 2011).

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case after we talk to the victim and go through all of the evidence that we have in front of us. We talked a little bit, and one of my concerns was that Nancy Grace said that he would get special treatment and it would all go away. So I said to the reporter, it's not special treatment.

Then we announced the deal in court, and we walked outside. The cameras were there, and that reporter asked if she could talk to me. I said yes. And the first question she asked me, knowing what my answer would be, was did he get special treatment? And it gave me an excellent opportunity to say no, this is what we normally do in the course of these kinds of cases. We've spoken to the victim, and the victim understands. These are all the other conditions, et cetera.

That was the end of the story, thank goodness. I think it aired at noon that day and I don't think it aired ever again. And I attribute that to a couple of things. As I mentioned earlier, my husband, the night before, went through the talking points with me, which I very much appreciated. And having that relationship with the only reporter there was very helpful. She knew what I was sensitive about and was willing to go there and ask that and to understand what happened.

So what I would stress in terms of what I look for [from the media] is accuracy, but the willingness to ask questions about what's going on and not to jump to conclusions. Because at first glance, particularly from a prosecution standpoint, things aren't always as they appear. Sometimes we have victims who just aren't going to show up in court. We have victims who change their stories. We have witnesses that change their stories. So what starts out as a big drama, oftentimes by the time it works its way through the system has kind of piddled down to nothing. To try to explain that to the media is not always the easiest thing, but if I've built up that rapport with a reporter I can explain, within the realm of my ethical duties, that this is

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the best outcome possible based on the evidence that we have in front of us.

There was a series by a reporter within the Nashville area called Policing for Profit. I know it found its way over here to Knoxville, because I got calls from people in Knoxville yelling at me and furious, even though it wasn't me. I was in the piece, but my actions had nothing to do with what happened. The reporter latched onto this idea that our drug task forces across the state are stopping innocent motorists and stealing their money. I jokingly, after the report aired, wanted to put out a press release-and don't worry, I didn't do it-that said the 21st Drug Task Force stopped a school bus today and took the kids' lunch money.

That's not what's happening, but if you watched the story, you probably thought that was happening. And the frustration that I have with that report and with the reporter, I really debated whether it was even worth my time talking to him when he made the phone call. Because I knew, based on what was going on, what he was looking for, what the focus of his story was going to be, that our drug task force are nothing more than law enforcement ripping off innocent citizens driving down the highways of this state with hundreds of thousands of dollars stashed into wheel wells, and we're taking it for no reason. That's not the case, but I knew that that's what his tenor was and that's what his goal was going to be. But I had never dealt with him before. And I thought, okay, I'm going to give him an opportunity. I'm going to sit down with him and I'm going to tell him everything, how it works, what the law is, why we do what we do.

He was focusing on a case that came out of our district. And although I still really can't talk about it, I told him there is more to that story and that case than meets the eye, but I can't discuss it right now. And, lo and behold, when I watched the piece, that guy who was interviewed

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had a hundred and sixty thousand dollars stashed somewhere, and it came across, from my perspective, that we had just picked on this little man and taken all his money. Despite my efforts to say it's not what it appears, I can't talk about it because they're still being investigated in an ongoing investigation, none of that came across. It came across as if we had just stolen money from this innocent man. That was very frustrating to me.

What was even more frustrating was the characterization, through some careful editing, that he had asked me a question and they showed a picture of me smiling. I smiled because he had asked me the question ten times already and ten times I kept saying, that's not true, that's not the case. And I think by the tenth time, I was just like are you kidding me? You're asking me this again? I've already told you that that's not the case. So that was very frustrating to me, but from my perspective it was a lesson learned.

I gave this reporter the opportunity to be fair and straightforward about it. I didn't like his editing. I was a reporter in an earlier life, and that's why I got all the phone calls. He ran it in conjunction with the actions of another agency, and everyone who watched it assumed that I was in charge of them. And I got calls from across the country yelling at me. If I get a call from that reporter again, the reality is I'm not going to talk to him because I just was not comfortable with the treatment I received nor the spin on the story, despite our efforts to give him all of the information. And let me assure you, we gave him stacks and stacks of documents, information showing how to test the money to show that it has drug residue on it, that we're not just stealing money from innocent folks.

I will also say that going into it, I put a tape recorder on the table during the interview, and he was a little surprised and shocked by that. But knowing his reputation coming in, I thought, I'm going to have my own

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record so that if there's something that's terribly taken out of context, I've got it. So that's my bad story.

On the plus side, after that series ran, another reporter called and said he thought we got a raw deal, and asked if he could do anything, if there were any stories out there that we wanted him to look into. And that ultimately led to, not me speaking to him because it was pending litigation, but him going out with one of our police agencies as they rounded up drug suspects and showing the process. So there was a positive that ultimately came out of it, and our agencies were very happy with that.

I'm almost ashamed to say it, Mr. Seingthaler, but when I was first a journalist coming out, as a general assignment reporter for a radio station in Buffalo, they sent me to cover something in court, and I didn't have a clue, so I reported it as a trial. I got the stuff right, but it wasn't a trial. It was just a preliminary hearing, which was really embarrassing to me when I figured it out. I think I was twenty or twenty-one at the time when I really figured out what I had done. So I recognize that so many reporters now are covering everything. There's not that specialization. And they're thrown out to get a story in an hour.

So I really try to get that back and forth. If they've got it, that's great. If they don't, then you have the opportunity to discuss it and straighten it out, make sure that we're all on the same page, that no one is reporting on something that's just not quite right.

I do want to touch on one other thing that I really try to be cognizant of, and it's because of my background. Shortly after I was appointed as the District Attorney, we had a puppy mill in Hickman County, which is one of our more rural counties. They don't have an animal control agency. And this woman had six to seven hundred dogs on her property.

JAMES DUFF: Any moonshine?

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**KIM HELPER:** You know, ironically, I have a moonshine case pending right now. But the Humane Society generously offered to come in and help us out, and we needed that help. There is absolutely no way that the police agencies in that jurisdiction could have handled seven hundred puppies. They had no place to take them. They didn't have the training or the experience. We welcomed the Humane Society, and the ASPCA came in too. The downside to that, of course, is that they're in it to generate publicity and to make money for themselves. I mean, they do an excellent job. We never had any evidentiary issues. But as we executed a search warrant, I came around the corner and there were reporters walking all over the site of my puppy mill, and I had a search warrant that was going on. That doesn't look so good when you go to court that you have had reporters there.

The puppies were taken to a holding area where they were all examined. And I looked up at that area, and the gentleman from the Humane Society was running reporters all through the area. And bells went off because, again, I just thought if that goes to court, that's going to be a real problem for me in terms of my evidence. But I certainly understood that the reporters that were out there had a story and needed to do a story. And without the visuals, it's nothing—especially when you're talking about puppies, because everyone loves puppies. That's what you want to put on the news, look at these little poor puppies in the cages. I get that.

What I tried to do is reach that point where my evidence would be okay and secure and not tampered with, but to recognize that reporters are out there doing a job as well and that they need to have that access. So we set up a little area where the news crews could shoot into the area where the puppies were. They could stand right on the edge and get what they needed, without interfering with the work

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and getting involved in what was happening. And I think that was a good compromise..

From my standpoint as a prosecutor, any time you have a question or don't understand a proceeding, I'm happy to explain it. I was there, I was a journalist. I was the dumb one that said it was a trial when it really wasn't, so I get it. Ask questions and don't be afraid to ask. If I can't tell you, I will say so. I don't try to hide anything. I've had to dismiss cases because ultimately they've not worked out, and I'm not afraid to explain why I've done that. I would hope that my colleagues across the country feel the same way. I know Mr. Cheshire ran into one that didn't have that same viewpoint, but I really believe he's in a very, very small minority. And the rest of us are there, willing to provide what we can to assist journalists in doing their job. The folks in my district are my bosses. And if the message is not getting out to them about what I'm doing or why I'm doing it, then I'm failing in my job. That's why I've always felt it's very important for me to be available and to provide what information I can.

SAM SWAN: Thank you, Kim. And our final speaker is Cynthia Moxley.

CYNTHIA MOXLEY: Thank you very much. Justice White, thank you for inviting me.

You asked about news cycles and how they've changed. I'm not going to dwell on that. But, basically, when I started in journalism in Knoxville in 1980, there were two newspapers in town; a morning and evening newspaper. And the deadline for the morning newspaper was about 10:00 at night. You could push it a little bit. The deadline for the evening newspaper was about 10:00 or 11:00 in the morning. So there were those two big deadlines. There were three TV news channels. They had 6:00pm and 11:00pm news. And there was one main radio

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station in town, WIVK, and they had mostly just drive time news. That was it. So you always knew when people's deadlines were. And once you got them the information you needed or somehow avoided getting them the information they wanted-and I was on the other side of that, I was a reporter-you could relax.

But today there aren't really specific news cycles. As Mr. Seigenthaler said, everybody has a website, and it's a rush to the web. I used to think it's crazy to put all this stuff on the web, they're just giving it to TV, but they do it. It's web first, and everybody's doing it. So you're constantly being forced to feed that beast, whether you're a reporter or a source. The TV news in Knoxville starts at 4:30 in the morning, and it goes until 11:30 at night, so the only time you can really relax is between midnight and 4:00am.

We represented the board of the Knoxville Tourism and Sports Corporation for a month in January or February when the executive director was forced to retire after it was revealed that not only was she making a \$400,000 salary that her own board didn't know about, but that there had been some manipulation of board meetings and minutes and that sort of thing. So we were helping the board get their information out. We worked with lawyers-I've worked with lawyers my entire career. When I was a reporter, I covered lawyers. Now that I'm in public relations, we sometimes have law firms as our client, but most of the time we partner with lawyers because we have the same client. And that's good for me because my fees always look good when they're up against the lawyer's fees.

But that was the case when we handled the Tourism and Sports Corporation. When I would walk into a board meeting, there would be seven cameras there, two for each TV station because one of the cameras was for live streaming, and one was for the TV or web for the newspaper because they were live streaming too. At the

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same time, everybody's Facebooking and Twittering, including me.

One of the questions you asked was how stories are pitched. They are pitched two different ways. It just depends on what you're trying to accomplish. In the case of the Tourism and Sports Corporation story, there was a crush of requests for interviews and information, and for documents. They filed Freedom of Information requests. So when we had something to release, we would either call a news conference or put out a news release because everybody wanted the same information. That was the most efficient way to get it out.

But sometimes you're going to want to place a story with a certain reporter or a certain news organization. In that case, you do have to have a relationship with them, and you contact them and just tell them about the story. So it really depends on what you're trying to accomplish.

What do reporters want? They want information and they want it right now. TV needs video, radio needs sound-and even the newspaper now needs video. Here's a key tenet of public relations, especially in a crisis. You want your client to be the best first source. If you can establish yourself or your client as the best first source, the media will keep coming back to you for information. If you do not do that, somebody else is going to do it, and then you're going to be behind the story. You're going to be always trying to catch up. This is where PR people and lawyers sometimes come to cross purposes. I've always said that lawyers are the natural enemies of PR people, and that's because lawyers are trying to win a case in court, while PR people are trying to win in the court of public opinion. It's not always the same process and it's not always the same priorities.

I told this to a friend of mine who works for the City of Knoxville. He said that at the city, lawyers are trying to keep us from getting sued while the rest of us are

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scrambling to get out of the way of the runaway freight train that is bearing down on us. I have really good friends who are lawyers and we've dealt with some great lawyers in town, but it always seems to be me trying to get them to release the information or respond to the request, and it's the lawyers saying no, we're not ready.

What do journalists expect from lawyers? What they expect from everybody-access, information. In a crisis, they want to know what's happened and what you are going to do about it or what you are going to do next. If you can't give them every bit of information, tell them what's happened and what's going to happen next.

I'll give you an example. One of our clients is KUB. That's the utilities company here. One day there was a terrible power outage. Half the city was out. Channel 6 had a generator, so they went live. They had their anchor, Lori Tucker, in the middle of Church Avenue, and they were interviewing an engineer, the second worst person for a PR person to deal with. The engineer said, this circuit did that and we're rerouting to this and kilowatts and megawatts and all this. And Lori took the microphone back and she said, what I think he said is that the power is out downtown and KUB is trying to get it back on.

So boil it down and tell them what they need to know. Avoid jargon. Lawyers, you all get so used to talking to each other in jargon. That's really not helpful when you're trying to talk to the public or through the media.

Let's talk about journalist ethics. As Mr. Seigenthaler said, reporters are not licensed. They are not like lawyers. They cannot be disbarred, they cannot lose their license. Most reporters that you all will deal with in a market this size have gone to journalism school, they've taken at least one ethics course, and they generally are doing a good job. They're trying to get the story right. They are trustworthy. They do have ethics. But the problem is, as many people have said today, everybody's a journalist

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today and they haven't gone to journalism school. They don't give a darn about ethics. They're driving their own agenda. So if you're dealing with a reporter from a recognized news organization, you can probably depend on them being ethical and fair, but otherwise the bets are off. And it's not just bloggers and commentators. This has always been the case. In rural journalism or community journalism out in the small areas-I started at the Mountain Press in Sevier County, the reporters hadn't gone to journalism school-they were housewives. They were retired people. They had not the first bit of training in journalism. They were just writing for the paper. So you cannot always assume that everybody's well trained.

Earlier today, we heard somebody talk about saying "no comment." I always say why I can't comment. We tell our clients to do that too. Look in the mirror and try to say "no comment" and not look guilty. No matter what you do, you might as well say put on the cuffs. There's no way you can say it that it doesn't look bad. So we always tell our clients, if you can't comment, explain why you can't comment. And we normally blame the lawyers. We normally say, I would love to comment on that, but the lawyers will not let us because it's a matter under litigation. Or if you can't blame the lawyers, blame the HR department. They won't let you talk either.

Some people talked about "off the record". We always ask our clients what they think off the record is. Some of them will say it means you can't use the information. Some of them will say it means you can use the information, but you can't say who gave it to you. Some of them say you can use the information only if you get it verified by somebody else. The bottom line is, nobody knows what it is anymore because they didn't go to journalism school. So do not go off the record, we recommend, unless you really, really know the reporter and hopefully have something on them. I rarely go off the

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record, and I know the reporters. I've known them for thirty years, and I still rarely go off the record. And every time I do, I wake up at 2:00 in the morning going, Oh, God, why did I do that, what if they use this information?

Some final points. Say you have to give an interview. The most important thing you're going to do when you give an interview is going to happen before the reporter gets there. And that's when you think to yourself, or you ask your colleague, what are the three most important things I can say about this subject, this case, this situation, and you write them down. That's called your must-air points. You've got to know your must-air points. You have to remember what your job is, and your job is to communicate your message. The reporter knows what their job is-their job is to have the lead story. That's not your job. Your job is to deliver your message. So if you have your three must-air points in mind, bridge back to those no matter what.

I'll stop there, because I know you all have questions, and I'll turn it over to Dr. Swan.

**SAM SWAN:** I want to ask a follow-up question to the four panelists, and then we'll open it up to questions from any of you who may have them.

I'm thinking about the revolving door in the world of journalism, which involves young reporters. You made reference to young reporters, but one of the things that happens in a medium market like this is this is not necessarily the end destination for many reporters. This is the second or third stop on their way. And if you've noticed at the television stations here, there are always new faces, new names. They come in, they stay two or three years, and they're trying to get out of here to go to Nashville or Atlanta or to a larger market, because those places pay a lot better than we pay here in Knoxville. So it's a constant

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challenge for people like Cynthia and others to keep those reporters informed about the way things work here.

The question that I was thinking about as I was listening to all of you here, about this problem of new journalists, inexperienced journalists and our challenge in journalism education, is what can the legal profession and the journalism profession do working together to help facilitate this process to educate each other?

JAMES DUFF: I think [having] more programs that pull the groups together is vitally important. And I don't think it stops with journalists. One of the things we're going to be doing at the Freedom Forum is embarking on a very aggressive civic education campaign, because if you look at the statistics around the country, they're alarming. Twelve percent of high school seniors are proficient in US History.<sup>126</sup> We can't sustain our freedoms with that sort of level of education in the population.

You point out a particular problem with journalists going elsewhere. You can't stop that. You hope they go elsewhere with at least a fundamental understanding of basic civic education. It's a broader societal problem. I don't think it's isolated to this business or this industry. We really need to address this as a nation. And one of the things we're going to be doing at the Freedom Forum is civic education in a much broader way. That helps somewhat. It doesn't solve exactly the problem you have posed. But I think even with new people coming in, if they're educated in the basics, that's about the best you can hope for. Because you're not going to stop the turnover.

CYNTHIA MOXLEY: Here's what you all need to do and what we tell our clients to do. Assume that when a reporter

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<sup>126</sup> Michael Murray, *Are You Smarter Than a 12<sup>th</sup> Grader?*, ABC NEWS (June 14, 2011), [http://abcnews.go.com/US/12-percent-high-school-seniors-proficient-history/story?id=13840331#.T\\_yxt\\_U0uS](http://abcnews.go.com/US/12-percent-high-school-seniors-proficient-history/story?id=13840331#.T_yxt_U0uS).

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is coming to interview you, they are going to learn everything about the subject matter in the car between when they leave the TV station or the newspaper and when they get to you. So assume that and prepare accordingly.

**SAM SWAN:** In larger markets, and in this market for awhile, there were beat reporters, those who were specialized in covering the courts. The newspaper still does that. But television has moved away from that, especially in medium and small market stations, simply because they don't have the staff. In larger markets, they may have hired an attorney who then decides to become a journalist or is a journalist who then becomes an attorney. But in smaller markets that's not the case, so it's a constant challenge.

**JOIE CHEN:** I think it's true to the network level at some point. I got sent to the Supreme Court during a term that had a University of Michigan case in it, and I sat in there and I thought, please give me enough time to find somebody to call afterwards to explain to me what this ruling means, because I do not know. And I'm not going to know. I'm not a lawyer. It's the Supreme Court, for gosh sakes. And it was scary to me that you left it up to me to figure this out and tell the nation about it. But I want to give credit to Kim for establishing those relationships with reporters in which reporters feel that they can come to you and ask you what happened. Because it's the only way you're going to do it. And I think a lot of times reporters are intimidated by lawyers. I think there's always the sense that the lawyer's not going to like me coming to cover their story. So rather than deal with that, I'm not going to ask, I'm just going to try to figure it out on my own in the limited amount of time I have. It is a scary process. And it's scary to think that there are fewer and fewer beat reporters that truly understand that.

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**SAM SWAN:** Let me open it up for questions. We have several in the back.

**UNIDENTIFIED SPEAKER:** We, as lawyers, have special ethical duties. As we get into journalists who are also lawyers, when we get into cases with sensational journalism where facts are either misrepresented or taken in such a way that doesn't portray the real story, considering the lawyer's ethical duty to educate the public properly about the law, has the Board of Professional Responsibility acted upon this? Have they brought anyone up for practicing law without properly being admitted to the Bar?

**JOIE CHEN:** I don't know. Some people have been phenomenally successful. We can look at Nancy Grace, and at Greta Van Susteren, who is a personal friend of mine, who is a lawyer and made that transition to television. If you look across the airwaves, there are a tremendous number of lawyerists. Whatever a journalist and a lawyer mashed together is, there are a number of those people. And they might come with the ethical understanding of a lawyer, but they're not going to be monitored as journalists or as performers and speakers on those.

**KIM HELPER:** I'm not aware of any complaints, at least within Tennessee, but that doesn't mean that there haven't been [any]. But it is a continuing frustration for myself and probably lawyers on both the prosecution and defense side when you're talking criminal cases, where you get all the talking heads opining about what's going on when they've never practiced in your state and don't understand the law of the state. That's why I think the Rodney Atkins thing really got under my skin, because it was not even close to being an attempted murder from the victim's standpoint. But that was not communicated and it really made our jurisdiction look bad, like we let some attempted murderer

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out on a twenty-five hundred dollar bond, which was appropriate under the circumstances. But I'm not aware that there's been that sort of pursuing of anyone with a law license.

**UNIDENTIFIED SPEAKER:** This question's for the panel, as well as Mr. Tompkins. It seems that when I started practicing law, the objective, investigative journalist was just that. That was the single hat that that person wore. Today, it seems that the field gets muddied—I'm the objective, investigative journalist, yet, later tonight I'm appearing on this program and I'm going to be opinionated using some of the very information I'm supposed to be investigating and reporting on. So I'm wondering within the field, is that inhibiting relationships with attorneys? In trying to find information, do you feel that the audience doesn't know which role you're playing in this twenty-four hour news cycle?

**AL TOMPKINS:** I don't think it's possible to be objective. I don't think objectivity is the goal of journalism. I think truth, fairness, accuracy and thoroughness are goals. But to say that we're going to be objective is to say I have no opinion on anything. And you know me enough now, today, to know I've got an opinion on damn near everything. So I don't think it's possible to pretend you're objective. In fact, there are some in the blog world who say that what we ought to do is come out and state our opinions or our biases before we do any stories. I don't agree with that, but that is one new idea that's going on, that we ought to just say what all of our biases are and let you filter that through your own experiences. So for what that's worth, I don't think it's possible.

If you really care about this, it just so happens that I'm taking constitutional law night classes, and I just finished a big project online. If you're interested, go to

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www.objectivenews.net. It's a website that I just built for the class that I'm working on right now, so it's got all kinds of resources. But if you go back to Edward R. Murrow and many others, the penny presses of a hundred and fifty years ago were owned mostly by political parties. So when we start pining for the old days of Madison and Jefferson and others, we have to remember many of those were subsidized media. So we're asking for a day that never existed, and they still don't largely.

I would like to ask a quick question, while I've got the floor, for Joie. Your client Remington, the great gun maker that's making safe guns-[there are ] two dozen deaths and one hundred injuries, and a number of out of court settlements, which are still sealed. Would you like to see your client unseal those settlements so we could see whether or not those guns were, in fact, unsafe?

JOIE CHEN: You've talked to CNBC, haven't you?

AL TOMPKINS: And what about that 1947 memo in which the inventor of that trigger said that it was unsafe and ought to be corrected?

JOIE CHEN: That, in fact, is not what he said. I have interviewed him and talked to him about that. And CNBC, by the way, sent their camera crew to interview a ninety-eight year old man. He let them in and said some other things about it as well. There are more than five million of those rifles in circulation. There were a hundred --as I recall, a hundred and eleven claims. Eleven of them resulted in trials, three of them went against the company.

AL TOMPKINS: How many were settled out of court?

JOIE CHEN: Less than a hundred.

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SAM SWAN: Do we have other questions?

UNKNOWN SPEAKER: I am a journalism major right now in my junior year, but I want to go to law school. How do you merge the two together? And what kind of internship should I be looking for?

JOIE CHEN: What is it that you want to be?

UNKNOWN SPEAKER: I want to be a public interest lawyer.

JOIE CHEN: I think that's a lawyer question, not a journalism question.

PENNY WHITE: If you want to be a public interest lawyer, just come to UT College of Law. We'll give you every opportunity you need to be a great public interest lawyer.

KIM HELPER: But if I understood you, you're looking for an opportunity that merges both your journalism interest as well as your interest in being a public interest lawyer?

UNKNOWN SPEAKER: Yes.

KIM HELPER: Some of the journalism folks may have a better idea. Instinctively, I would suggest that you look at an organization that involves the kind of law you're interested in and maybe intern, if you can, in a PR, marketing, selling forum, but take the opportunity to look at other areas. I was working for the Environmental Protection Agency doing public affairs when I started law school. That was a great opportunity, because part of my job was to work with our enforcement division who handled all the legal actions, Clean Water Act, Clean Air Act. So I had that background of law, which is, in part, why

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I did go to law school. So maybe look for an opportunity like that.

JAMES DUFF: Do you live here in Knoxville? Will you be here in the summer?

UNKNOWN SPEAKER: Yes, I'm planning to be.

JAMES DUFF: Do you want a paid internship or unpaid internship?

UNKNOWN SPEAKER: Either or.

JAMES DUFF: If you'll take an unpaid internship, I would go to the local paper and volunteer, and say, I would like to cover the courts for you, I would like to go to the courts and report on anything that I find of interest that you might want to use as a story. And then you get exposed to the courts, you get your journalism background and you can blend them both.

SAM SWAN: You can't do an unpaid internship. I coordinate the internship program through the school, and we cannot place a student any longer at the Knoxville News Sentinel unless it's a paid internship-

JOIE CHEN: Or unless they're getting credit.

SAM SWAN: Most companies are saying pay or credit or both. But now the News Sentinel and Scripps Howard in general-not Scripps Networks, but Scripps Howard-has said they will only take paid internships to avoid litigation down the line.

Thank you very much.