

JOINT BENCH-BAR-PRESS COMMITTEE OF WASHINGTON

Answers to written interrogatories, filed with the clerk, are as much a part of the public record as are depositions which have been opened and filed.

1. THE NEED FOR BROADER COVERAGE: Although far more numerous than the trials in criminal courts, civil trials receive only a fraction of the attention devoted to criminal proceedings. One reason may be the brevity of the civil case; another may be its apparent lack of human interest. Judges and lawyers should recognize a third reason: that newsmen do not understand some civil proceedings and pass them up for want of sufficient time to study or do leg work.

The courts and their officers should give special attention to the need of the reporter to have background information and an interpretation of evidence as it is presented. Only the news media can give the public an objective and adequate explanation of civil actions and the reasons for judgments, orders and verdicts entered in such matters.

2. INTERPRETING LEGAL TERMS: Judges and lawyers traditionally have employed legal phrases with special meaning to the profession. Unless these terms are interpreted faithfully by newsmen, the public cannot be expected to understand their significance. It is the duty of judicial officers and their staffs to assist representatives of the news media to report accurately in lay language. Written judicial decisions should be so drafted that selected portions briefly summarizing the court's ruling may be quoted by the press.

3. LEGAL PLEADINGS: Allegations in pleadings should not be reported as more than simple allegations. Judicial officers and the press should be mindful of injustice or prejudice that may result from pretrial publication of such matters.

4. FILES: Official files in civil actions and probate matters, including pleadings, court orders and published depositions, are official records and available to the news media.

5. DEPOSITIONS AND INTERROGATORIES: Until opened and filed by court rule or order, a deposition is not an official document, not a part of the clerk's file in the cause and not available to the news media. After court publication it may be extracted, quoted or copied for public dissemination except any portions which may have been stricken.

\*See: Reporting prior to trial what was said in a deposition may prejudice prospective jurors. Premature reporting may be unfair if, on the reading of the deposition in open court, portions are stricken.



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News reports should reflect whether the statements in depositions or answers to interrogatories have been uttered in open court or only in a filed document.

6. CONFIDENTIAL PROCEEDINGS: Adoption, mental illness and family court causes, are by their nature and by statute\*, entitled to special protection by the court. Investigative reports are generally confidential. In those cases where the news media desire access to such records or hearings, application may be made to the discretion of the court.

7. ESTATES AND GUARDIANSHIPS: The probate of estates of decedents and the administration of guardianships are usually non-adversary proceedings, conducted in open court without verbatim reporting by an official reporter. News-men should have access to all such hearings, to the official files concerning them and to such information as can be supplied by counsel and court attaches. Because of the nature of estate matters, personal and financial data concerning the decedent and his family must be revealed to the court. Whether it should be given to the public by the news media should be governed by good taste, and the public's need to know, balanced against the potential effects on the survivors.

8. SUMMARY DISPOSITIONS: Disposition of civil actions by summary judgment or dismissal is a judicial determination which may appropriately be reported. The news media should be encouraged to report the reasons for the court's action. The court should make these reasons available.

9. FAIR TRIAL: Litigants in civil causes, including causes having special news value because of public interest in the subject matter, are as much entitled to a fair trial by an unbiased jury as is a criminal defendant. Jurors summoned to decide questions of civil liability or damages should be free from public clamor and special influences. News media should be wary of contrived information, the effect of which would be to influence potential jurors as to liability or amount of damage awards. The media acknowledge that the pre-trial reporting of civil cases may involve the same risks to the administration of justice as the pretrial reporting of criminal cases. Pretrial coverage of civil cases should be balanced to minimize this risk.

\*See: RCW 7.02.160 Confidentiality in Mental Illness Hearings  
RCW 26.32.100,  
150 Confidentiality in Adoption Proceedings  
RCW 26.12.080 Confidentiality in Family Court Matters



Newsman should use care in reporting portions of jury trials which take place in the temporary absence of the jury. To publicize the court's rulings as to evidentiary matters, may cause jury prejudice.

10. SUCCESSIVE RELATED CASES: When two or more related civil jury cases are being tried in series, the reporting of one disposition may prejudicially affect subsequent trials. The media should exercise restraint to minimize influence on jurors in such matters.

11. PUBLIC UNDERSTANDING: Representatives of the news media should be encouraged to attend the trials and other steps of civil matters to the end that the public may understand the judicial process.

12. NAMES OF COUNSEL: Counsel should not use a court proceeding to advertise his skill. Lawyers present evidence and should seek no plaudits in the public press if courts or juries accept their arguments. It is unethical for a lawyer to seek personal publicity following a jury verdict or court determination.

13. INCOMPLETE REPORTING: Civil suits have two sides. It is unfair to report only a portion of the facts presented at a trial, as though they were the only facts. Trials proceed without regard to deadline. Reporting of only one aspect of a case to meet a deadline may give the public a distorted view. Good coverage requires that the news media follow up in a subsequent report with the other side of the story. Incomplete reporting of civil trials or reporting only those cases on which the newsman has had a helpful tip can give a distorted picture of courthouse news.

14. PERSONAL OPINIONS OF COUNSEL: The Canons of Professional Ethics forbid a lawyer from arguing to the court or jury his personal belief in his client's innocence or in the justice of his cause. He should also refrain from similar statements to the press.

15. JUDGE AS A NEWS SOURCE: Because the trial judge has notes of the trial, he may be the best source of verification of evidence introduced in open court, other than the official court reporter. In the absence of other sources available to the newsman, he may ask the judge for verification of facts, but not for comment on the merits of the case prior to judgment or verdict. The judge should avoid any public statement which might prejudice rights on appeal.

16. MUTUAL CONFIDENCE: Judges should show appropriate courtesy to newsmen assigned to courthouse beats. They should recognize that newspapers and broadcasters have deadlines and that newsmen must complete their daily assignments within those prescribed times. There should be mutual confidence between the two. The judge may supply background information with the understanding that he will not be quoted and that the information will not be misused. The newsman is under no obligation to withhold publicity of judicial comments made to third persons.