

A GUIDE TO JOURNALISTIC REPORTING & WRITING ABOUT THE COURTS

THE NEBRASKA MOCK TRIAL STUDENT NEWS REPORTER CONTEST



Nebraska State Bar Foundation



The courts are essential for protecting the rights and freedoms of individuals in civil society. They provide a systematic forum for the peaceful resolution of disputes. They determine the constitutionality of new laws, providing a critical counterbalance to the legislative and executive branches of government. Finally, they apply justice in criminal cases – deciding whether the accused is guilty or not guilty of a crime and what a just punishment should be.

Journalists write the first account of history, which includes documenting important and newsworthy court decisions.

Journalists also fill an indispensable role by monitoring court procedures: verdicts, rulings, decisions, and opinions. Journalists' role in the judicial system is to inform readers about court procedures with language that is clear, concise and easily understood. A journalist should communicate legal decisions so that the reader can easily understand the outcomes and significance of cases.

This guide outlines the elements of a journalistic article for the Nebraska Mock Trial Student News Reporter Contest.

This guide is organized in sections so you can find and return to the individual subjects as needed. The sections that discuss the court system and journalism standards are overviews that provide context. The two sections about reporting and writing are instructional to help you craft a story about the mock trial you will cover.

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*Thank you Nebraska journalist Joe Duggan
for writing this guide and supporting
Nebraska student journalists.*

OVERVIEW OF THE NEBRASKA COURT SYSTEM

TYPES OF CASES

Criminal – The state charges an individual (called defendant) with a criminal offense. The defendant is presumed innocent unless pleading guilty or found guilty by a judge or jury.

- Charges are filed on behalf of the state by county attorneys (called prosecutors) and can range from infractions (least serious) to misdemeanors and to felonies (most serious).
- Punishments range from fines, probation, jail terms, prison terms, or the death penalty. Prison and execution are reserved for the most serious felonies.
- Defendants have legal rights intended to ensure they are treated fairly and not convicted of crimes they did not commit. First and foremost, this right includes having competent legal representation. Defendants can be assigned competent legal representation if they cannot afford such representation.
- Defendants can plead guilty under the terms of a plea bargain if one is offered by the prosecution. This agreement typically reduces the punishment in exchange for the plea.
- Unless charges are dismissed by the prosecutor or a court, defendants who maintain their innocence have the charges decided by a judge or jury.

Civil – Legal action brought by a party (called plaintiff) seeking to resolve a dispute with another party (called defendant.)

- Civil cases can include lawsuits, divorces and child custody disputes, protection orders, personal injury claims, contract disagreements, class-action claims, etc.
- Plaintiffs frequently seek damages in the form of monetary payments, legal fees, and court costs.
- The parties in a civil case can reach a settlement to avoid the expense and risk of a trial.
- If a claim meets all the standards set by the law and the parties cannot reach a settlement, civil cases are decided by judges or juries.



OVERVIEW OF THE NEBRASKA COURT SYSTEM

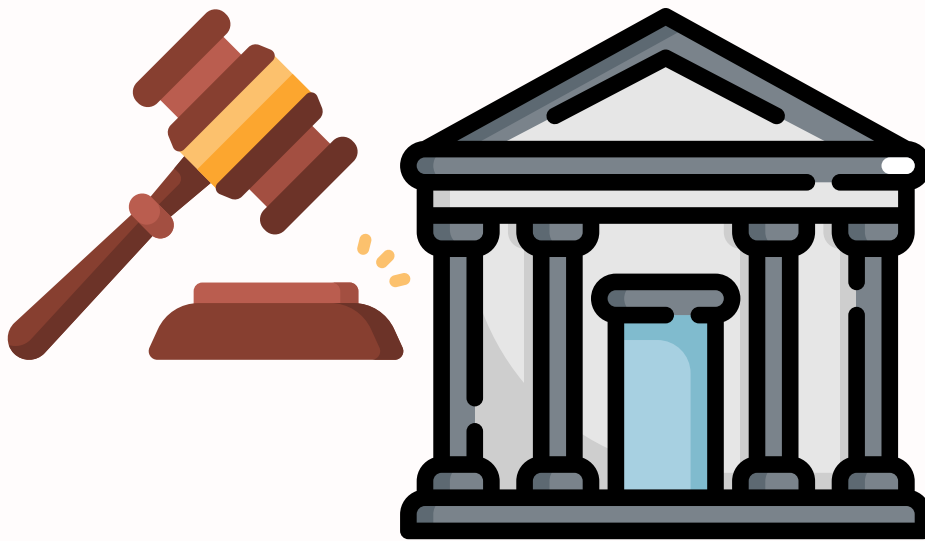
TYPES OF NEBRASKA COURTS

County Court – Venue where criminal charges are filed.

- Court where infractions and misdemeanors are decided.
- Felonies are filed in county court. After a series of initial steps, procedures, and hearings, felony cases are either dismissed or progress to district court.

District Court – Venue where felony criminal charges are decided, and civil cases are filed and decided. The district court also acts as an appellate court for county court appeals.

Appellate Courts – Courts where appeals are decided. The Nebraska Court of Appeals and the Nebraska Supreme Court are the state's two primary appellate courts.

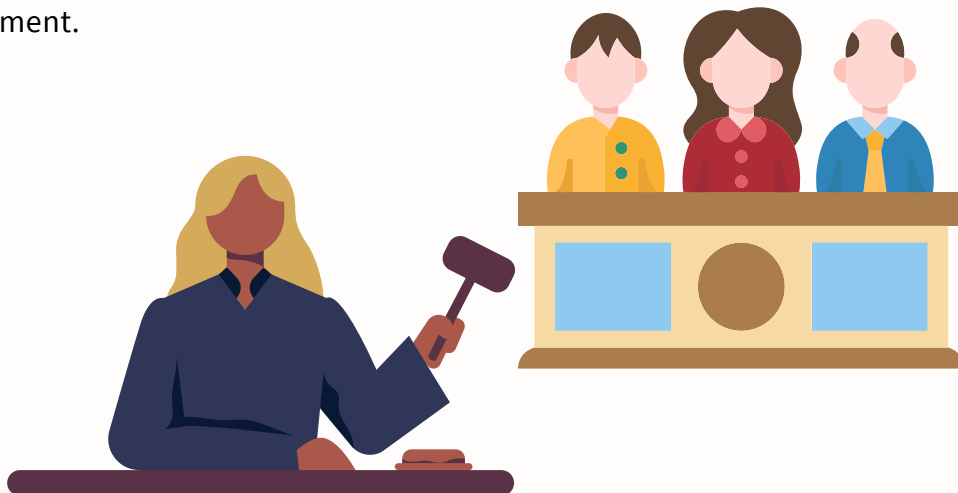


KEY ELEMENTS OF A TRIAL

Resource: Reporters' Guide to Nebraska Trial Court Procedures, Nebraska Judicial Branch:

◦ <https://supremecourt.nebraska.gov/reporters-guide-nebraska-trial-court-procedures>

- **Opening and Closing Arguments** - Made by lawyers for the prosecution and defense in criminal cases, or the plaintiff and defendant in civil cases.
 - They also provide a broad overview of the case, so they are helpful for journalists. Often, some of the most quotable statements are made in opening arguments. But keep in mind, they are not testimony or evidence.
- **Evidence** - Is introduced by witnesses called to the stand by lawyers for both sides of the dispute. Lawyers question witnesses to elicit their testimony (evidence), either for the purposes of establishing the credibility of the testimony or raising doubts about the credibility of the testimony.
- **Judge's Role** - The judge manages the trial somewhat like an umpire manages a baseball game. The judge decides what evidence to allow, makes rulings on objections offered by the lawyers, and instructs the jury on its role in the trial. Although most cases are decided by juries, the judge alone decides the verdict in select cases.
- **Jury's Role** - Jurors must listen closely to the evidence and the arguments during the trial phase. After the trial concludes, jurors go to a private room in the courthouse to deliberate and reach a verdict.
 - Most jury trials in Nebraska require 12 jurors
 - In criminal cases, all 12 jurors must reach the same verdict — either guilty or not guilty. If even one juror does not agree with the verdict reached by the other 11, a mistrial is declared.
 - In civil trials, Nebraska law allows verdicts to be reached if at least 10 of the 12 jurors reach agreement.



“I hope readers feel like they were there with me,” said Jan Ransom, a reporter who has covered high profile trials for the New York Times.

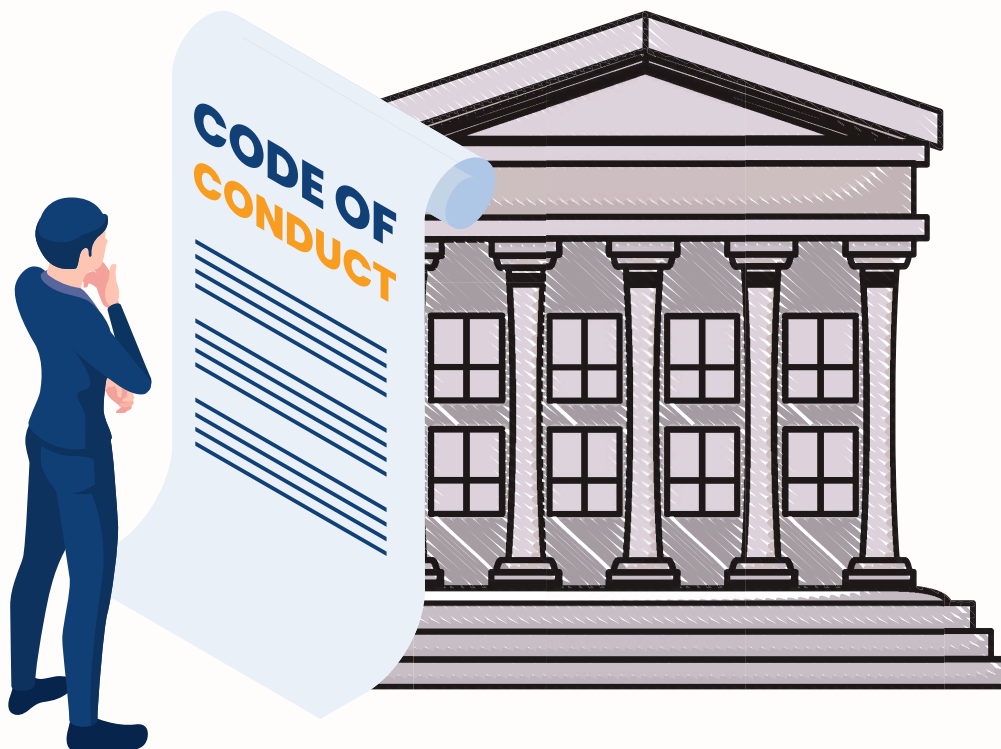
JOURNALISM STANDARDS AND ETHICS

Reporters need to understand and communicate the allegations, legal arguments, judicial actions, and final outcomes of court case. While the reporter must decide what to include and what to leave out of the article, a straight news report should stand as an accurate and truthful account of what occurred. News reporters produce non-fictional accounts only.

In news coverage, reporters strive for a high-degree of objectivity rather than taking one side in the dispute over another. Readers rely on the information to be free from falsehoods, the writer's biases, opinions, or slants. If the account is false, factually incorrect, filled with grammatical errors, or merely the writer's opinion, it loses credibility with the reader and is largely diminished in value.

That said, a good news story of a court case can and should include the opinions of the parties, lawyers, jury members, and informed observers. The story should reflect the stakes, emotions, and inherent drama of court cases. Reporters must strive to include a full range of opinions and arguments to provide balance. Good reporters want to seek out and present all sides of the story and they want to produce their stories in a manner that draws in and keeps the reader engaged.

Journalists are also obligated to be professional and ethical. The reader relies on journalists to maintain these standards and a journalist who loses the trust of the reader cannot remain in the profession.



COVERING A TRIAL

What happens in open court during the course of a trial is public record and can be included in your article. While you do not have the space or time to include everything, it is important that you see as much of what happens as possible so you can understand the case and decide what information is most important for your readers to know and understand.

Reporters must first and foremost pay close attention to everything that happens during the trial. This includes:

- Witness testimony and exhibits (documents, reports, photos, physical objects) presented to the jury.
- The questions posed by the lawyers.
- The decisions by the judge.
- The expressions, reactions, and body language of the parties, lawyers, judge, and jurors.



WRITING A NEWS ARTICLE

Resource:

- News Writing Fundamentals, George Mason University:
 - <https://writingcenter.gmu.edu/guides/news-writing-fundamentals>

A STRAIGHT NEWS REPORT MUST BE:

- **Accurate.** News articles must be faithfully accurate. Journalists take notes or, even better, make a recording (when possible) of interviews. They rely on records and double check the factual information they include (especially name spellings).
- **Truthful.** Journalism is not fiction. No made-up information or quotations may be included in a news story. If sources or subjects state something that is false, the story needs to say so. If unconfirmed information must be included, it needs to be clearly identified as such with proper attribution.
- **Objective.** Good journalism provides all sides of a story. Disputes are rarely black-and-white, and good reporting captures the nuances. This does not mean, however, that journalists allow sources to state blatant falsehoods or distort the facts in stories.
- **Free from opinion and personal biases.** Everyone has biases and opinions. Journalists must strive to keep theirs out of a news story.



BASIC STORY ELEMENTS

SPELLING, GRAMMAR, & QUOTATIONS

- Spell words correctly. Use a dictionary as needed. Spell-check has limitations.
- Always double-check name spellings.
- Use proper grammar.
- Write in complete sentences.
- Use proper capitalization.
- Use attribution so the reader knows who said what information.
 - *Attribution Example*) “If it doesn’t fit you must acquit,” defense attorney Johnnie Cochran said during closing arguments of the OJ Simpson trial.
- Quotations (or quotes) must contain the exact words as stated by the source. Quotes must always be inside quotation marks. If you are not sure of the exact words, paraphrase the statement and add attribution.
 - *Quote Example*) “The jury’s verdict serves justice and I hope it helps heal our community,” said Madison County Attorney Joe Smith.
 - *Paraphrase Example*) Madison County Attorney Joe Smith called the jury’s verdict just. He also said he hopes it can help heal a community that was deeply shaken by the senseless killings of five people inside the Norfolk bank.



BASIC STORY STRUCTURE

STRUCTURE:



- Lead
- Body & Ending

Many news reports provide the key information in the first three to five paragraphs. This structure allows time-pressed readers to quickly get the most important developments by reading the top.

The structure that top loads the story with the key information is called the inverted pyramid style. Instead of building chronologically to a climatic ending, the inverted pyramid starts with the climatic/ending information and fills in the details afterward.

The first sentence of a news story is called the lead (sometimes spelled *lede*).



- Example of a lead in a criminal case:
 - *A jury on Tuesday found ex-Minneapolis police officer Derek Chauvin guilty of murder in the killing of George Floyd.*
- Example of a lead in a civil case:
 - *A Douglas County jury has awarded \$26.1 million to a Sarpy County family who sued Children's Hospital and Medical Center in Omaha after their child was sent home following an accidental fall and then suffered seizures that left her permanently disabled, though that amount could be drastically reduced under a state cap on such verdicts.*

WHAT TO PUT IN THE LEAD

- **Identify the most newsworthy info.** Ask yourself, “What information do readers most need to know if they read only this sentence?” That information should be in your lead. (When covering trials, the verdict is the most newsworthy information.)
- **Think about the Five Ws:** Who, What, When, Where, and Why. Use as a guideline for what to include in the lead. If possible, try to answer all five.
- **Keep it short.** Ideally, craft your lead with fewer than 20 words. Readers frequently give up on long sentences.



BASIC STORY STRUCTURE

WHAT TO PUT IN THE BODY OF THE STORY

- **Quick Summary.** Provide a short sentence or two fairly high up in the body providing the background of the case: the crime that led to the trial or the dispute that triggered the lawsuit.
- **More Detail.** Starting with the second sentence (which is almost always a new paragraph) add in detail and context.
- **Add quotes.** The body of the story is the ideal place to add quotes, ideally from the parties in both sides of the dispute or their lawyers. Often you get these from what is said during the trial, but sometimes you get them by asking questions of the attorneys or parties in the courthouse hallways after the trial ends.
- **Report what's next.** When is the sentencing? If the defendant was acquitted, report if they were freed after the verdict. Do the parties who lost plan to appeal?
- **Conclude with more background of the case if needed.**

Example of the body of a story from a criminal case (paragraphs after the lead):

A jury on Tuesday found ex-Minneapolis police officer Derek Chauvin guilty of murder in the killing of George Floyd.

Chauvin was found guilty on all counts, including manslaughter in the death of the 46-year-old Minneapolis man during an arrest, captured on video, that ignited national protest over police brutality.

Chauvin was led away in handcuffs after the verdicts were read. Sentencing is expected in about eight weeks.

Read more of this story:

- <https://www.mprnews.org/story/2021/04/20/chauvin-trial-george-floyd>



BASIC STORY STRUCTURE

Example of the body of a story from a civil case (paragraphs after the lead):

A Douglas County jury has awarded \$26.1 million to a Sarpy County family who sued Children’s Hospital and Medical Center in Omaha after their child was sent home following an accidental fall and then suffered seizures that left her permanently disabled, though that amount could be drastically reduced under a state cap on such verdicts.

The award is a record for medical malpractice in Nebraska, topping the \$17 million a federal jury awarded in an August 2015 trial over a baby who suffered brain damage during birth at the Bellevue Medical Center.

The jury on Monday awarded \$21.5 million for a lifetime of medical care and damages to 5-year-old Vivianne Marousek and another \$4.6 million to her parents, the Omaha World-Herald reported. The jury found that the hospital and one of its doctors improperly discharged Vivianne in 2017 after she suffered brain trauma in an accidental fall at her day care.

Within two days of being sent home, she suffered severe seizures and irreparable brain damage, leaving her blind, unable to communicate and in a wheelchair.

Read more of this story:

- <https://www.usnews.com/news/best-states/nebraska/articles/2021-11-30/jury-awards-26m-in-malpractice-lawsuit-a-nebraska-record>

