
MEDIA LAW NOTES

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Freedom Of Expression Beyond Our Borders

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Earlier this year, a faculty member at my institution was threatened by a British law firm with a lawsuit if she did not remove some articles from her website. She removed the articles. Our physical world may be warming, but the international climate for freedom of speech is growing chillier as the internet raises new questions about jurisdiction over legal disputes.

Although the Law Division's scholarship has been heavily focused the First Amendment to the U.S. Constitution, globalization means our perspective will necessarily have to consider freedom of expression in countries around the world.

Our convention program in Toronto aptly took advantage of our location and explored issues such as American media coverage of Canadian crime and file sharing in Canada. But that's only the beginning. It is essential for us to expand our scholarly inquiry to the way other nations may be affecting our First Amendment rights here at home. A more international

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Cochran Critics Appeal Prior Restraint to High Court

By Richard J. Peltz
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The Supreme Court granted certiorari this fall in a prior restraint case that might prove landmark, or unremarkable, on the First Amendment landscape, depending on the scope of the Court's decision.

The cardinal rule of First Amendment law, inherited in the United States from the norm Britain afforded its own citizens, is that prior restraint of speech is impermissible. Thus U.S. courts award damages for defamation after it occurs, rather than prohibiting expression by injunction before the damage is done. The rule affords prophylactic protection for free expression.

A California appellate court nevertheless upheld last year a permanent injunction against Ulysses Tory for speech concerning celebrity defense counsel Johnnie Cochran in any public forum.

Tory and another man retained Cochran in 1983 to represent them in a personal injury action against the City of Los Angeles, after the two were involved in a shoot out with city police, according to state court records. Cochran obtained a settlement for the other man, but not for Tory, who became disenchanted with Cochran. Their lawyer-client relation soured beyond repair in 1985 when Tory accused Cochran of conspiring with the city, and Cochran withdrew from Tory's case.

Tory and compatriots subsequently picketed Cochran outside his office and outside the L.A. Superior Courthouse. They carried signs colorfully lambasting Cochran with slogans such as "Johnnie is a crook, a liar and a Thief," and "Johnnie L. Cochran, Esq., Your Piss is Not Rain."

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Globalization & Expression

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focus can also raise the prominence of our division in the scholarly community, as I will explain below.

Globalization has been defined as the interconnection of nation-states throughout the world such that the distinctions between their economies and societies become blurred. The results can have perceived advantages and disadvantages. As cultural and social practices begin to intermingle, we can benefit by enjoying the cultural products of other nations and maybe learn a thing or two about, say, family-friendly workplace policies.

But we must also be alert to the impact that more repressive systems of freedom of expression may have on American speakers. In addition to the example at my institution, which was discussed in detail in the July 18 issue of the *Chronicle of Higher Education*, there are other well-publicized situations in which more restrictive press freedom laws have threatened to curtail speech that would be acceptable in the United States. For example, Dow Jones & Co., publisher of *Barron's*, was sued in Australia by a businessman who said that he was defamed in an article in that periodical. Australia's High Court claimed jurisdiction based on sales of online subscriptions to *Barron's* to citizens of that nation. In a similar vein, a French court ordered Yahoo!, the U.S.-based internet company, to make efforts to technologically prevent French citizens from gaining access to sites allowing them to participate in auctions of Nazi memorabilia.

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The legal impact of the current patchwork of national approaches to control of the internet is analyzed in "A Starting Point: Legal Implications of Internet Filtering," a paper published by the Open Net Initiative. The initiative, a collaborative of researchers at Harvard University, University of Toronto and Cambridge University, maintains a website at www.opennetinitiative.org, and seeks to examine the effect of government filtering and surveillance on human rights globally. Its "Starting Point" article offers just that – some useful topics to serve as springboards for research projects. A brief overview of ideas discussed in the article follows.

First there is the issue of who is filtering the internet. Is it a public or private actor? Instances of government restricting access to the internet often get much publicity, but internet service providers can filter also, often at the behest of government. Scholarship can examine approaches to and effects of filtering around the world.

A nation's approach to filtering generally will include a justification for filtering certain content and a set of laws to carry out the filtering. Justifications include upholding community standards and protecting national security. Regarding the laws, some countries, such as China, have legislation specifically related to the internet. Other countries, such as Burma, use the law of media regulation to govern the internet. Scholarship can examine how different countries are using the law to control the internet, and how those approaches may be affecting other nations.

Internet filtering raises a host of legal problems, in particular the violation of individuals' civil liberties, including the freedom of expression, as most of us are keenly aware. Jurisdictional issues also come into play, as we saw with the Australian and French examples referred to above and discussed in more detail in the "Starting Point" article. Scholarship can add to the growing literature on the complexities of jurisdiction in the internet age.

Clearly, there are important scholarly reasons for division members to think globally while still publishing locally, that is, in *Communication Law & Policy*. But it can also raise the stature of the Law Division in the scholarly community at large. *CL&P* recently was considered for inclusion in the Institute for Scientific Information (ISI) index of journals. Inclusion in this index would increase citations to our journal and make it easier to access. It also would add to the journal's prestige and credibility. We were turned down for inclusion in the index, partly because of a lack of international scholars on the editorial board and among the published authors. As we pay more attention to these increasingly pressing global issues, we may be able to attract more international scholars to work with us. We also are encouraging members of the International Communication Association to subscribe to *CL&P*.

Of course, I'm not suggesting that we turn our backs on domestic legal issues, which are as pressing as ever. I'm keenly aware of this, as Rhode Island is where reporter Jim Taricani has been found guilty of criminal contempt for refusing to reveal a confidential source. Rather, I'm suggesting we have our work cut out for us, with critical freedom of expression issues arising both in the United States and around the world. The division has much to offer through its study and analysis of these matters.

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Cochran v. Tory

Prior Restraint, from 1

Cochran sued Tory for defamation and prevailed after a full trial. The court found falsity and actual malice on the part of the defendants and awarded injunctive relief. The injunction included a severe term applicable in “[i]n any public forum, including, but not limited to, the Los Angeles Superior Court and any other place at which Cochran appears for purpose of practicing law.” Tory and his compatriots were prohibited in such places from “(i) picketing Cochran . . . ; (ii) displaying . . . printed material about Cochran . . . ; [and] (iii) orally uttering statements about Cochran.”

Tory appealed the injunction to an intermediate appellate court in California, which ruled in October 2003 that an injunction following a trial on the merits of a defamation suit is not subject to First Amendment scrutiny.

Tory objected to the propriety of an injunction as a remedy in a defamation case. He maintained that at least the injunction should be tested for overbreadth, that is, it should be narrowly tailored so as not to offend the First Amendment. He pointed to the landmark *Near v. Minnesota* (1931), the Court’s key precedent in modern prior restraint doctrine.

Tory will give the Supreme Court an unusual opportunity to rule on the prior restraint doctrine without the exigency of a case such as the Pentagon Papers.

The California court resisted, though, observing that Supreme Court precedents in prior restraint have concerned preliminary, pre-trial, not permanent, injunctions. Cochran’s brief further pointed to courts’ use of injunctions in obscenity cases to prohibit the subsequent sale of material adjudicated obscene.

Tory will give the Supreme Court an unusual opportunity to rule on the prior restraint doctrine without the exigency of a case such as the *Pentagon Papers*. Speaking at a Practising Law Institute program in New York in November, First Amendment attorney Floyd Abrams said that the Court might only briefly clarify that damages are the only permissible relief in defamation cases.

But prior Court dicta suggest that view is not unanimous, Abrams said. A lengthier Court opinion might shake the bedrock First Amendment principle of “no prior restraint.”

Reforming Conference Research Panels

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The refereed paper competitions for the law division of the Association for Education in Journalism and Mass Communication at both the annual Southeast Colloquium and the AEJMC Convention serve an important function for graduate students considering an academic career in communications law.

In particular, the competitions provide a proving ground, as it were, where graduate students can receive sometimes-helpful feedback, hone their research and writing skills, and start to build their resumes before heading out onto the job market. The paper competitions also expose students to the vexing vicissitudes and migraine-moving mysteries of the peer review process in which two reviewers can interpret and understand the same text in radically different manners.

But what is the value of those same paper competitions for faculty members – not graduate students – who already hold fixed-term or tenure-line positions teaching media law courses in communications programs? While paper presentations for faculty members clearly add lines to the vita, they offer relatively few other advantages or benefits.

In particular, the feedback often is spotty; a few of the reviewers who seldom publish themselves get to play the role of all-knowing critic and cast aspersions on others. As Benjamin Disraeli once said, “it is much easier to be critical than to be correct.”

For most tenure processes, published articles count more than paper presentations today. Why not, then, reverse the order? As Missy Elliott might put it, “flip it and reverse it” – publish first and then do a presentation based on the published article.

Here’s the idea. First, the law division would create three or four faculty panels around specific themes each year for each conference. For instance, free speech in public schools, defamation, and commercial speech might be themes one year for faculty panels at the Southeast Colloquium. The themes would vary from year to year and from conference to conference. The heads of the law division would determine the themes.

Second, advertise those theme-based panel presentations, calling for submissions from faculty members who already have published an article – a law review article, a referred journal article, or an article in a professional venue such as *American Journalism Review* or *Neiman Reports* – on one of the themes during the prior 24 months.

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Media Law and Politics On Campus: Remembering the First Amendment

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The recent razor close presidential election, and its emotional peak on campus November 2, has me thinking about our collective interest as teachers in the wide-open debate theorized by our case law. In the days leading up to the election, faculty members on our campus were reminded by the Vice Chancellor of Academic Affairs about Nebraska state law:

20-160

Employees of state or political subdivisions; prohibited from political activities during office hours, while performing official duties, or while wearing a uniform.

Unless specifically restricted by a federal law or any other state law, no employee of the state or any political subdivision thereof, as defined in subdivision (2) of section 13-702, shall be prohibited from participating in political activities except during office hours or when otherwise engaged in the performance of his or her official duties. No such employee shall engage in any political activity while wearing a uniform required by the state or any political subdivision thereof.

And,

49-14,101.02

Public official or public employee; use of resources or funds; prohibited acts; exceptions.

(1) Except as otherwise provided in this section, a public official or public employee shall not use or authorize the use of personnel, property, resources, or funds under his or her official care and control for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.

...

(6) This section does not prohibit a public employee from engaging in campaign activity except during his or her government work time or when otherwise engaged in his or her official duties.

While the law attempts a good government effort of

prohibiting the expenditure of state funds (through the use of official time and resources) on political campaigns, its interpretation by administrators could limit fundamental free speech rights by limiting what can be said in the classroom or during office hours.

For example, a discussion of the problems with the USA Patriot Act and Patriot II might go so far as to criticize (now former) Attorney General John Ashcroft for his disregard of fundamental constitutional rights in favor of protecting "homeland security." Similarly, a First Amendment challenge to Federal Communications Commission Chair Michael Powell's willingness to support fines in the Janet Jackson Super Bowl case could be construed as wandering into a political danger zone.

Federal case law, however, has recognized some First Amendment application to faculty members at public universities. First, political speech has been argued to be at the core of rights. In *Burnahm v. Ianni* (1997) the Eighth Circuit Court of Appeals addressed a district court's finding of "clearly established First Amendment rights" of faculty members participating in a history display of weapons. The appellate court noted that "...the expressive behavior at issue here, i.e., the posting of the photographs within the history department display, qualifies as constitutionally protected speech."

Although the right of free speech is not absolute, the First Amendment generally prevents the government from proscribing speech of any kind... simply because of disapproval of the ideas expressed. *R.A.V. v. City of St. Paul* ... (1992). Indeed, with a few exceptions, most speech receives First Amendment protection. *Cohen v. California* ... (1971)... The First Amendment's protection even extends to indecent speech. *Sable Communications v. Federal Communications Comm'n* ... (1989)... It also extends to speech unprotected on one basis (e.g., obscenity) but protected on another (e.g., content in opposition to... governmental acts). *R.A.V.*... Clearly then, plaintiffs' speech is worthy of constitutional protection...



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First Amendment Not Lost on College Campuses

Law and Politics on Campus, from 4

So, what happens if faculty member “A” shows up for class wearing a political campaign button or t-shirt? What if she or he has a bumper sticker on the office door or a poster inside, where student advising takes place?

I find that consistently across over 20 years of teaching on three campuses that university administrators must be regularly reminded that there is a First Amendment, and that faculty members do not lose free speech rights when they step on campus. At the same time, faculty members should be careful not to foist personal political views on students or use their power over them to participate in what might amount to harassment over politics.

Clearly, there is some grey area when specific state laws exist, which must be interpreted. And, not all political speech can be treated uniformly, as there must be a range from a passing political reference all the way to organized political activity, which might even include fund raising. On state time, our ethics must also guide behavior in cases where laws or university bylaws are fuzzy.

The American Association of University Professors (AAUP) has devoted much time to basic concern for academic freedom. Teacher-scholars of media law and regulation, with our unique understanding of the meaning of First Amendment rights, should be active participants in the larger social discussion about freedom of speech.

MEDIA LAW NOTES

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Adventures in Winter Chip Throwing

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AEJMC could probably make some extra money by selling “I Survived the Chip Auction” T-shirts after each Winter Meeting.

For the uninitiated, the chip auction is a surreal event. Who knew that you plan a convention by sitting around a table, declaring what time period you want when your turn comes, and then throwing a poker chip in the direction of a big bowl in the middle of the room? I thought the “chip” in chip auction was metaphorical, but nope, there really are chips. And when I say that we threw the chips in the direction of the big bowl, I mean that literally. I don’t think anyone actually got a chip into the bowl, although there were close calls. At the end of the nearly four-hour meeting someone had to crawl under the table and collect the errant chips from the floor. I was kind of embarrassed at how badly I threw the chips toward the bowl. You would think I would have learned something during three years in Las Vegas.

Throwing chips toward a bowl and calling out time slots on a gloomy morning in San Antonio was fun (and a little stressful), but most of the hard work was done before we entered that big room on Sunday morning. There are only so many programming slots and around 30 divisions and interest groups with programming rights, so to get the most bang for your buck (or chip), you have to find people willing to co-sponsor panels with your group. As soon as the panel proposals from all the groups were sent to us in November, my counterparts in other groups and I began working e-mail and the phones to find people interested in co-sponsorship. Why is co-sponsorship so important? Because each group is allotted a certain number of chips, usually seven for a division and 3.5 for an interest group. Each refereed paper session counts as one-half chip up to the fourth such session; after that each paper session costs you a whole chip. Each sole-sponsored panel also costs a full chip. But if you co-sponsor a panel, each sponsor puts in half a chip.

My goal, which was probably no different than any other program chair’s goal, was to get the Law Division involved in as many high-quality panels as possible. Thanks to the fact that there were many good proposals from our members and from members of other divisions that had obvious law and policy tie-ins, we will be involved in 10 panel sessions in San Antonio this year. We are also co-sponsoring a pre-convention workshop with the Newspaper Division on coverage of the justice system, which was inspired by Tony Mauro’s talk at the division business meeting last year. We will have six slots, and perhaps more, in a Scholar-to-Scholar

Legal Bibliography

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David A. Anderson, “First Amendment Limitations on Tort Law,” 69 Brooklyn L. Rev. 755 (2004).

This article explores the “theoretical and practical implications of the Supreme Court’s predilection for prescribing solutions to tort-speech conflicts.” The author argues that the differences between tort law and other restraints on speech – such as statutes – are more significant than the Supreme Court has recognized. The Court should make a greater effort to preserve a role for the common law in the outcome of such cases, according to the piece. This, the author argues, would require the Court to be “less eager to offer its own solutions to tort-speech conflicts,” and less likely to constitutionalize tort law as it has done in the law of defamation.

Michael J. Burstein, “Towards a New Standard for First Amendment Review of Structural Media Regulation,” 79 N.Y.U.L. Rev. 1030 (2004).

This article reviews structural regulation of the media industry – that is, regulation of the media based on its distributional functions. The author argues that because the editorial and distributional functions of media are blending in the digital age, courts need to change their approach to regulating media along purely traditional “broadcast,” “cable,” and “newspaper” lines. The article proposes a new constitutional framework for analysis; this focuses on the speech activities of the media involved rather than on the category of media. The author argues that the Supreme Court has “blinded itself” by focusing on the technological and economic characteristics of each medium rather than on the actual speech conducted by each medium.

Clay Clavert and Robert D. Richards, “Journalism, Libel Law and a Reputation Tarnished: A Dialogue with Richard Jewell and His Attorney, L. Lin Wood,” 35 McGeorge L. Rev. 1 (2004).

This article offers a revealing Q&A dialogue with libel plaintiff Richard Jewell, who was an FBI suspect in the Atlanta Centennial Olympic Park bombing in 1996, and with L. Lin Wood, his attorney. Jewell was ultimately cleared of suspicion in the bombing, but not before the media connected him with the event and left the impression that Jewell sought out coverage of his own heroism, a critical factor in his libel case and the Georgia courts’ determination that he is a public figure. In the article, Jewell explains that an AT&T public relations person served as liaison with the press after the bombing, in many cases asking Jewell whether he would do an interview. Jewell also talks about the effects of the coverage on his and his mother’s lives since 1996 and what he has learned about dealing with the press and lessons for the press itself.

Eric B. Easton, “Who Owns ‘The First Rough Draft of History?’: Reconsidering Copyright in News,” 27 Colum. J.L. & Arts 521 (2004).

This article argues for removing copyright protection for news articles because a copyright regime for news instills a “property-based, rather than service-based, ethos” in news. The author argues that the fact/expression dichotomy and the fair use doctrine in copyright law have not adequately protected the public interest in news. Instead, the author argues that the common law tort of misappropriation should protect news. The piece addresses some of the practical problems with such a proposal, including defining what news is (in order to award protections), curtailing free riders and preserving quality journalism. The article offers a comprehensive history of copyright in news.

Amitai Etzioni, “Do Children Have the Same First Amendment Rights as Adults? On Protecting Children From Speech,” 79 Chi.-Kent. L. Rev. 3 (2004).

This article addresses the legal question about the First Amendment rights of minors from a social scientific perspective by examining the research on the effects of “harmful cultural materials” such as Internet pornography and violent movies on children. It examines five case studies about such effects to draw conclusions about the proper relationship between speech and the protection of minors. It concludes that because the data show that exposure to harmful speech undermines child development, speech must be regulated for children in a way that is specific to different age groups within the life of a child.

Jonathan L. Hafetz, “The First Amendment and the Right of Access to Deportation Proceedings,” 40 Cal. W.L. Rev. 265 (2004).

With hundreds of people arrested and detained on immigration violations following the September 11th terrorist attacks, this article looks at press access to such hearings since that time. It examines the effects of the “Creppy Directive,” a memo issued by Chief Immigration Judge Michael Creppy in which judges were directed to close courts in “special interest” deportation proceedings after Sept. 11th. This article argues that a constitutional right of access to deportation hearings is critical to protecting the First Amendment’s role in ensuring an informed public debate and that access to such hearings meets the Supreme Court’s requirements under *Richmond Newspapers, Inc. v. Virginia*.

W. Wat. Hopkins “Cross Burning Revisited: What the Supreme Court Should Have Done in *Virginia v. Black* and Why it Didn’t,” 26 Hastings Communications and Entertainment Law Journal 273 (2004).

This article presents an in-depth analysis of the case law surrounding cross burning by examining the Supreme Court’s decisions in *R.A.V. v. St. Paul* and *Virginia v. Black* and also a handful of federal and state court decisions on the subject. The author concludes that the history of cross burnings provides evidence that the Supreme Court in *Virginia v. Black* should have held that cross burning is protected political speech, but that law enforcement can

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prosecute cross burners “when the activity is clearly threatening or is part of broader threatening conduct.” In doing so, the Court would have had to reject key portions of *R.A.V.*

Karen M. Markin, “An ‘Unholy Alliance’: The Law of Media Ride-Alongs,” 12 *CommLaw Conspectus* 33 (2004).

This article looks to the answer the question whether media ride-alongs are supported by theoretical foundations of the First Amendment. By examining case law on the subject, the author argues that ride-alongs lack support under both the libertarian and social responsibility theories of the First Amendment. From a libertarian perspective, ride-alongs violate the watchdog function of the press because “the press is in collusion with the very institution it is supposed to monitor.” From a social responsibility perspective, ride-alongs do not promulgate the public interest because they do not expose official documents or proceedings, but instead “stem from situations . . . in which the government itself has limited authority to be present.” The article finds “only limited legal justifications” for ride-alongs.

Barry P. McDonald, “The First Amendment and the Free Flow of Information: Towards a Realistic Right to Gather Information in the Information Age,” 65 *Ohio St. L.J.* 249 (2004).

This article scrutinizes the body of case law and evolution of Supreme Court decisions on the right to gather information under the First Amendment. It critiques the limitations of these decisions to those involved with newsgathering only and outlines preliminary proposals for creating a right to gather information under the First Amendment that would apply regardless of the context. The author supports a right to gather information meeting three criteria: (1) the information sought is of legitimate public concern; (2) it must be gathered with a view to subsequent dissemination to the public and (3) it should be limited to those persons or groups whom society recognizes as having a legitimate information-gathering function.

Robert D. Richards and Clay Calvert, “Suing the Media, Supporting the First Amendment: The Paradox of Neville Johnson and the Battle for Privacy,” 67 *Alb. L. Rev.* 1097 (2004).

This article is the result of an in-depth interview with Neville Johnson, a high profile plaintiff’s attorney who has gone after media giants ABC, NBC and CBS on various newsgathering claims. In the article, Neville addresses his views on the press’ role under the First Amendment, the state of judicial and legislative protections for the press, the quality of journalism today, the difficulties faced by plaintiffs’ attorneys challenging the media, the privacy tort of intrusion into seclusion, the case of *Sanders v. ABC*, the relationship between media ethics and media, and the legal issues raised by reality television. Neville tells the authors that he views his role as educating the press “about the importance of adhering to traditional notions of decency and fairness.”

Panels Should Highlight Published Work

Reforming panels, from 3

Third, incorporate into these panel presentations attorneys, jurists, parties, and journalists who have had actual first-hand involvement in the cases or issues raised. They add a dimension that, quite simply, scholars studying the area cannot provide to the audience. In short, the participants are the embodiment of primary sources in a research presentation setting.

The convention, on occasion, has successfully used practitioners in a forum. For instance, at the annual meeting held in Washington, D.C., in 2001, Arizona State University’s Joe Russomanno organized and moderated a session involving attorneys who represented the parties in a few but important landmark Supreme Court cases. The panelists included, among others, Alan Isaacman who represented Larry C. Flynt in *Hustler Magazine, Inc. v. Falwell*. Even then, however, the session was a special stand-alone forum showcasing the attorneys and the cases without a particular subject-matter focus – other than, of course, the landmark nature of the cases. The law division’s objective should be to use speakers outside the membership routinely – incorporating them into the theme-based panel approach outlined above – to add depth and new perspective to what now is little more than an amalgam of loosely configured paper topics.

Anyone who thumbs through the program of AEJMC convention and reads the titles of the law sessions can see the tortured way papers on disparate topics have been combined to reflect a purported theme that, most times, does not exist. Granted, the law is a broad field, but that fact even more forcefully supports the case for the thematic approach proposed in this essay.

There’s another – certainly far more pragmatic – reason for creating a useful forum where scholars can learn in depth about salient communications law topics. Faculty travel allotments are being squeezed throughout most of the academic community, as budgets are cut or held steady. Consequently, finding the best outlets for professional development will be a top consideration for faculty in times of reduced funding. AEJMC’s law division should not expect that media law scholars will continue to attend year after year just to witness more of the same.

The reforms suggested in this essay could be adopted with little effort. An open paper competition for graduate students only, theme-based sessions for faculty who have recently published on the specified topics, and regular involvement of key players in law and journalism woven into the thematic sessions do not threaten to shake the division to its core. Instead, these suggestions are designed to change the dynamic of a conference that has ambled along the same path for too many years. The bottom line of the proposal is this: AEJMC’s law division should strive to provide valuable knowledge – useful to the media law teacher and researcher – and not merely serve as a mechanism for pasting another line on the vita.

Winter Meeting

Adventures, from 5

session for research papers, three regular refereed paper sessions, and one experimental high-density paper session. In the latter, 10 to 12 papers will be presented in a format that is sort of a cross between a regular paper session and a poster session. The details of how that will work are still being discussed. I like the idea of the high-density session because Law papers don't lend themselves to poster sessions – they sometimes deal with topics that aren't very visual. This might be a way to get around that problem and still meet our goal of accepting around 50 percent of the papers we receive.

Once the deals were mostly done to co-sponsor panel sessions, we had to do some more deal making in San Antonio. One or two of the earlier deals I had reached fell through for various reasons, so I spent some time in the lobby, the hallways, and at the dessert social the night before the chip auction nailing down the last of the sponsorship deals. I then discussed with the representatives of the various co-sponsoring groups what times we would prefer for our panels and who would bid on them and when. We were then ready for the chip auction.

The auction went fairly well, although there were a couple of slip-ups on my end. At one point I forgot to throw my chip toward the bowl after I bid for a time. Ironically, the Vegas background that failed me in chip tossing came back to

haunt me – I was waiting for the croupier to tell me to ante up. But I caught myself in time to avoid the scolding another division received when it failed to send its chip aloft. Later in the session, I discovered at the last second that I had already agreed to give one co-sponsor a time slot that I had just promised to another division, so I had to renege, causing some confusion in the bidding. Also, because of all the co-sponsorship deals, I and my colleagues bid for our panels first, which meant that by the time I began bidding for the three regular refereed paper sessions, the only time slots left were on Saturday. So, odd as it may seem, all three of our regular paper sessions will be on Saturday this year. I don't know if that's good or bad, but in a way, it's convenient for those who mostly come to the convention to hear papers presented.

I will get into more detail about the panels and the schedule in a later column. For now, I hope to get you excited about the workshop Penny Summers of Northern Kentucky, our recently retired two-term division head, is planning. If you have ideas for the workshop or want to discuss working on it with Penny, please contact her at summerspb@nku.edu. We plan for it to be a four-hour event with two or three sessions covering everything from the effect of media coverage on trials to nuts and bolts discussions of what reporters (and the people who train them) need to know about how the courts work. It should be a very valuable experience, especially in light of the fact that court reporting is now important to so many beats, including sports (ask the people who cover the Pacers and Pistons), business, and even lifestyle (see Martha Stewart – on visiting day).

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