“For the past decades there has been a general understanding about particular issues that are relevant to any relationship of law and media. Two main perspectives initially spring to mind: the access of mass media…to court and legal processes, and the representation and depiction of court and legal processes by the mass media…”¹

The relationship between the law and media has historically had its boundaries. Traditionally, the media has had a detached nature from the courtroom as actual proceedings are seldom taped and aired, leading the media to portray legal actions in a light that does not realistically reflect the legal system. This false portrayal of courtroom proceedings is depicted through television programs and movie productions. The traditional role of the media, however, has begun to change as technology advances. Courting the Media: Contemporary Perspectives on Media and Law analyzes the implications of how the development of technology and media capability has impacted the law.

Geoffrey Sykes, the editor of Courting the Media: Contemporary Perspectives on Media and Law, compiled articles written by himself and others to formulate a comprehensive analysis on the interplay between the media and the law. The book is particularly focused on the relationship between court proceedings and the media’s depiction of the law. The impact the development of the camera has had on the legal system is also briefly discussed.

An unresolved issue in many jurisdictions is the access that journalists and cameras have
to court proceedings.\(^2\) As a result, a majority of the American population’s exposure to the legal
system is through television drama programs. The nature of the legal system is largely
exaggerated through these programs, although some depictions of the legal system are accurate.\(^3\)

Within the past couple decades the media has inched its way into the courtroom. Police
can capture evidence on video and present it at trial, students can have their moot court
competitions televised, and small court proceedings (such as Judge Judy) are videotaped and
televised to the general public. A few major litigation cases have been nationally televised, such
as the OJ Simpson and Casey Anthony murder trials. A couple decades ago, the issue with
televising trials was that the camera productions created an intrusion and distraction to court
proceedings. To date, the development in technology has enabled the media to televise
courtroom proceedings or police expeditions unnoticed.\(^4\) The problem remains, however, that
even with rapid technological development and increased exposure to courtroom proceedings,
much of the legal system is still portrayed incorrectly by the media.

Depiction of the legal system through the media has created a public perception regarding
how legal information and evidence should be presented to the public. Television programs such
as CSI are graphic in nature, but present information in a way that softens the vividness of an
explicit scene to the viewer.\(^5\) Viewers have become accustomed to this type of presentation and
have a shocked reaction when information is presented to them in a different format.\(^6\) A problem
inherent to this is that shows like CSI do not depict the legal system in an accurate light.

Viewers get a false sense of court procedure and preparation for trial. If viewers are shown an

\(^2\) Id.
\(^3\) Id. at 3.
\(^4\) Id. at 7.
\(^5\) Id. at 23.
\(^6\) Id.
accurate depiction of court proceedings or graphic imagery, they may be turned off by it due to their perceptions regarding how information is to be presented.

Reality television programs have been an effective tool to blur the lines between legal fiction and non-fiction. This form of social media embraces the perception the public has to the reception of information. Therefore, the programs present graphic imagery in a softened format, making the program more tolerable to watch.\(^7\) In this format, television has created a forum for the public to access a truer depiction of the legal system.\(^8\) That being said, the legal system is still mischaracterized through various forms of social media.

Setting aside the viewers perception of how information is to be presented, without a live feed or taping of a courtroom proceeding, the public is subject to the media’s interpretation of the event.\(^9\) The media will report an event through what is seemingly an objective opinion, yet each commentator will independently take different aspects from the event as important pieces of information to report.\(^10\) Similarly, each viewer/reader will differently interpret what the media has reported.\(^11\) The only approach to avoid such a problematic scheme of interpretation is to provide coverage of the event itself. Although each viewer may be interpreting the coverage differently, the viewers will not be detached from the event and will not be subject to someone else’s interpretation of the event.

Another debated area is video use in the legal system. There are two types of video at issue: a Taser cam and handheld devices. Video can be used as evidence in a legal proceeding but can complicate matters when posted on online forums such as YouTube. In regards to the

\(^7\) See COURTING THE MEDIA, supra note 1, at 24.
\(^8\) Id. at 25.
\(^10\) Id. at 38.
\(^11\) Id. at 43.
Taser cam, a camera is attached to the front of the gun and activates upon the Taser being fired. Thus, the camera only videotapes from an action viewpoint, and only videotapes the victim being shocked with a Taser. There is no context to the videotape, and this leads to many questions regarding what prompted the police officer to shock the victim with a Taser. To resolve this issue, another video camera should be used to supplement the police officer’s testimony. This camera is usually located on the police vehicle. The problem with the supplemental camera is that sometimes the camera does not have a good angle to view the altercation. If this occurs, testimony by the police officer and victim are usually the only other sources of information to be relied upon. The author provides this example to point out how unreliable video evidence can be.

In regards to a handheld video camera, these cameras can also be used to supplement a police officer’s testimony. The problem with handheld devices is that the quality may be poor, the video itself may be scattered, or the video may be shot at a poor angle. To resolve this, sometimes multiple videos must be used to explain a singular event. Another issue is that amateur videos may be posted online or even through the news. Unfortunately, this can affect a juror or judge’s opinion, as the video and commentary may have some influence on their judgments. This scenario is difficult to avoid, but police officers are beginning to confiscate cameras used at the scene of the crime. If an amateur video depicting a crime scene is released, which may create a false impression of the crime scene to the general public or influence a juror

13 Id. at 57.
14 Id. at 61.
15 Id. at 56.
16 Id. at 66.
or judge’s objective judgment, a police department may release its own “official” surveillance video of the event to curtail such potential damage.\(^\text{17}\)

The author also describes how Australian and English privacy law has been influenced by the American legal system. In 1890, Samuel D. Warren and Louis D. Brandeis wrote an influential law review article entitled “The Right to Privacy.”\(^\text{18}\) The general focus of the article is that photographs can intrude on privacy, especially when printed.

Initially, English and Australian law determined that what individuals can see with their own eyes is not private. Therefore, “…what one can see, one can photograph.”\(^\text{19}\) Over the years, however, English law has evolved because technology has evolved. Cameras now have the zoom function and can photograph what the human eye cannot see. Influenced by both American privacy law and the *European Convention on Human Rights*,\(^\text{20}\) English law turned to grant individuals a right of privacy with regards to published photographs. Even though a photograph may be taken, the photograph may not be published if the individual would expect privacy in that circumstance.\(^\text{21}\) It still remains to be seen how Australian law will evolve to respond to technological development.\(^\text{22}\)

The book also illustrates how the media has played an important role in popular legal culture.\(^\text{23}\) Popular legal culture is defined as books, movies, songs, etcetera that are about law

\(^{17}\) Id.


\(^{19}\) Id. at 80.

\(^{20}\) Id. at 86.

\(^{21}\) Id. at 93-95.

\(^{22}\) Id. at 95.

and lawyers and aimed at a general audience.\textsuperscript{24} This also includes news coverage of legal matters. In regards to the latter example, the author explains that the media must keep an unbiased position when reporting on a legal matter.\textsuperscript{25} This especially applies when two parties have different stories and positions pertaining to a particular event.

To achieve an unbiased position in such cases the media can declare the situation as “your words against mine.”\textsuperscript{26} The function of the media is not to provide an opinion on which party is truthful or guilty while a trial is ongoing, but rather to provide a neutral position while covering the story. Taking a neutral position is especially important, because the public looks to the media as a primary source for information.\textsuperscript{27} The media should only provide a sided opinion once a final verdict has been rendered.

Lastly, the author explains that films and television programs, without other forms of public disclosure on a particular subject matter, can constitute the public’s main source of information on the subject.\textsuperscript{28} For example, a major portion of the \textit{Indiana Jones Trilogy} is in regards to illicit trafficking of cultural objects. For many, \textit{Indiana Jones} has become the primary source of information on illicit trafficking of cultural objects. The author points out that although it is unlikely movies will accurately depict the legalities of a particular subject matter, identifying the legal limitations can be beneficial.

For the reader that is interested in the interplay between the media and law, \textit{Courting the Media: Contemporary Perspectives on Media and Law} can be informative and appealing. The

\begin{flushleft}
\textsuperscript{24} \textit{Id.} at 103.
\textsuperscript{25} \textit{Id.} at 105.
\textsuperscript{26} \textit{Id.} at 108.
\textsuperscript{27} \textit{Id.} at 111.
\end{flushleft}
book provides a fluid read in a context that is enjoyable to the reader. The author speaks to a
general audience, but a few subject matters discussed require an in-depth understanding.

What the book lacks is a detailed analysis regarding the specific technological
developments that have led to the current relationship between the media and law. Such an
analysis would provide further context and a deeper understanding regarding how and why the
media is closer to providing the public with a correct depiction of the legal system. Description
of the technological developments may also provide the reader the ability to comprehend other
complex analysis. That being said, the articles were presented in a logical and compelling
manner. Each article laid out the author’s points through employ of historical and current
examples, providing adequate context to their arguments. This was an effective approach to
convey the author’s position. Although the book has its shortcomings, the overall message is
expressed effectively. I would recommend this book to anyone who is interested in the subject
matter of the media and law.