



Managing Notorious Trials: Practical Aspects of the High-Profile Case

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Timothy R. Murphy, Paula L. Hannaford, Geneva Kay Loveland, and G. Thomas Munsterman, *MANAGING NOTORIOUS TRIALS*. National Center for State Courts, 1998. 225 pp. \$30.

You go in early one morning, planning to enjoy a cup of coffee, and get caught up on mail before you start in on the day's mundane docket. As you round the corner to the courthouse, you see a dozen television trucks with their satellite broadcast dishes telescoped to the sky. Think this might have something to do with you? Whether the next—or first—high-profile case in your jurisdiction is a heinous mass murder or an election challenge with the U.S. Presidency in the balance, you may well wish you had read this book before the petition is filed.

Trying a notorious case is an extremely demanding ordeal for the trial judge, the court administrator, and the entire courtroom staff. To be ready for the trial requires thought, reflection, and detailed

preparation. To say that a trial judge is going to treat a notorious case “just like any other case” is to confuse means with ends. (*Managing Notorious Trials*, p. 7.)

Managing Notorious Trials provides a thoughtful review of the special issues that confront the trial judge—often suddenly—in cases with significant media interest: demands from various media, courtroom and courthouse logistics, staff delegation, security, protective orders on statements by attorneys and staff to the press, difficult litigants, change of venue, and trial and jury management. This edition updates the book first published in 1992 (then titled *A Manual for Managing Notorious Cases*), adding ideas and experience from trials that followed and new technologies, as well as changes in substantive law, such as the increased attention to victims' rights and use of their impact statements in court.

The authors draw on the experiences, mostly good, some bad, of trial judges in a variety of such cases. This is not a

manual on how to handle every high-profile case, but rather an outline of the issues that are likely to confront the judge. It recognizes that courts vary widely in their size, resources, and local practice, and two cases that might be “notorious” may be vastly different in every respect but their media interest. By the same token, judges even in the same jurisdiction may not agree on the philosophical questions presented in such cases. You will not find a definitive answer here as to which witnesses you might want to declare off limits to the cameras, or how far a gag order on attorneys should go, but rather some ideas that have worked in other cases and the kinds of practical considerations that go into such decisions.

A passage in the original Introduction explains the authors’ point of view:

Many of the lessons learned are neither profound nor complex. The primary lessons involve thinking and planning ahead, anticipating contingencies, and being prepared. Handling a notorious case may be unlike anything a trial judge and court have ever experienced before. Pitfalls, dangers, and opportunities for embarrassment abound. But notorious case can be managed, and they can be rewarding. Good management of a notorious case provides a court and a judge with the opportunity to showcase the legal system in general, and an individual court in particular. The public has a rare opportunity to observe a court at its best, in a trial presided over by

a confident and well-prepared judge, assisted by a competent and well-prepared staff, functioning efficiently and effectively in the full glare of daily public and media scrutiny.” (*Managing Notorious Trials*, p. xi.)

Managing Notorious Trials is divided into four chapters: pre-trial matters, dealing with media, jury considerations, and planning for security. Each chapter commences with a helpful page of “lessons learned,” summarizing the principal thoughts of that chapter. If there is a complaint here at all, it is with organization. For example, media and security issues are confronted at every stage of such a proceeding, and appropriately, in each chapter of the book—not just the designated chapter. The book has a thorough index, though, so finding a specific reference after the first read will present no problem at all. In addition, about half the book is made up of appendices, some of which are law summaries, sample rules, and guidelines. Probably the most useful are the sample documents from specific cases, including orders for decorum, media advisories, jury questionnaires, and security orders.

One discussion of particular interest is the selection of the trial judge for the case in the first place. Noting that many jurisdictions provide for random assignment of cases, the authors suggest several alternatives for the high-profile case, including the possibility of a tandem assignment in which one judge handles the trial and the other handles the logistics and public affairs aspects. Also offered are suggestions for protec-

tive orders limiting attorneys' statements to the media as an alternative to pure gag orders.

The media chapter includes some excellent principles for dealing with reporters and other representatives, discussing how to avoid charges of favoritism or the appearance of withholding information, and a good discussion of various judicial approaches to media access. Nuts-and-bolts issues, like how your courtroom seats will be allocated (possibly the most controversial and divisive administrative decision the judge may make, the authors claim) and the use of a separate, wired media room, are presented as well.

Managing Notorious Trials is specifically written for trial judges, and will be a useful tool for any judge dealt such a case, whether it be one of intense local attention or national public interest. The media seem to take more and more interest in court proceedings, and more and more cases become "notorious." As the authors note, there appears to be no limit to the appetite for gossip and titillation that surround such cases. So

long as these trends continue, the likelihood of any trial court judge having a high-profile case is enhanced. A couple of hours with this book before Geraldo calls will be time well spent.



Peter V. Ruddick is a state general jurisdiction trial judge in Johnson County, Kansas, the most populous county on the Kansas side of the Kansas City metropolitan area. He has been a trial judge since 1992, hearing criminal cases, several of which have drawn substantial media attention. Among them was the 1995 case of Debora Green, which he drew by random assignment; Green ultimately pleaded no contest to the murder of two of her children, who died after she set fire to her house while the children, ages 13 and 6, were asleep. Ruddick received a B.A. philosophy and political science in 1971 and a J.D. in 1974 from the University of Kansas.

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