



The Bakersfield *Californian* and Blogging the Courtroom Teaching Note

Case Summary

The Internet's emergence as a media tool in the 1990s posed significant challenges to traditional journalism.¹ These included how to make money online, compete with both journalistic and non-journalistic information outlets, lure readers with new formats, maintain quality control, and stay relevant in an accelerated news cycle. One strategy that many news organizations adopted was to develop online web logs, or "blogs." These varied in subject and content, but were typically venues in which reporters or columnists supplemented general coverage with updates of breaking news, or included personal opinions and comments that were written in a breezier style than traditional "just the facts" journalism.

This case is an account of one newspaper, the Bakersfield *Californian*, and its efforts to expand its coverage of a local murder trial by providing a courtroom blog, written and posted in real time. The case, which provides an overview of the *Californian's* Web-based journalism efforts, focuses on court reporter Jessica Logan and the personal doubts, ethical dilemmas, and practical obstacles that she faced "blogging the courtroom" during the quintuple murder trial of Vincent Brothers, a former elementary school vice principal, in early 2007.

Teaching Objectives

Use this case to foster debate about blogs—their validity as a form of journalism, their value to readers, and the regulations to which they should be subject. A fundamental question

¹ An article in the Jan/Feb 1993 edition of the *Columbia Journalism Review* illustrates how novel the Internet was at that time, for journalists as for others. In *Casting the Internet: A New Tool for Electronic News Gathering*, Joe Abernathy explains: "Journalists are gaining an unprecedented ability to tap into some 15 million of the world's best sources through an information tool known as the Internet. Simply put, the Internet is a 'network of computer networks,' in which military bases, research facilities, universities, and others have agreed to let their computers share information."

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underlies such issues: How can news organizations best incorporate this new way of communicating with readers into their existing standards and practices? More broadly, the case study raises questions about challenges that traditional media outlets face in adapting to the Web, and highlights the increasingly technological, fast-paced news environment of which they are part. It also addresses the dilemmas that media organizations face in deciding whether or not to deploy new technologies that may not yet be fully understood or developed.

The case provides a basis for considering the wider issue of the Internet's role in journalism, and serves as an example of the debates, compromises, and adjustments that result as newsrooms grapple with the potential and perils of the Web. A blog's role and possible influence on the reputation of an individual journalist, or the organization to which s/he belongs, is a sub-theme of the case, which also highlights sometimes conflicting power structures in the newsroom. Students are not asked to make a specific decision, but rather to weigh the issues and possible courses of action.

Instructors might find it helpful to read or assign background material (see below for suggestions).

Class Plan

Use the case study in a class on editorial management, new media, blogging or reporting norms.

Pre-class. Help students prepare for class by assigning the following question:

1. Who is right—Logan or Jenner?
2. Consider the Vincent Brothers trial weblog entries described in the case through April 16, 2007. What are the strengths and weaknesses of the coverage?

We found it useful to engage students ahead of class by asking them to post brief responses (no more than 250 words) to questions in an online forum. Writing short comments challenges students to distill their thoughts and express them succinctly. The posts also highlight talking points ahead of the class, and identify specific students to call upon during the discussion.

In-class questions. The online blog posts are a useful starting point for preliminary discussion, after which the instructor could pose any of the following questions to promote an 80-90 minute discussion. The choice of questions will be determined by what the instructor would like the students to learn from the class discussion. In general, choosing to discuss three or four questions in some depth is preferable to trying to cover them all.

- a) What happened in this case? Brief synopsis; chart of newsroom chain of command.
- b) What are the positives and negatives of journalists writing blogs? List on classroom board.
- c) What are the positives and negatives of journalists writing blogs from the courtroom? List on classroom board.
- d) What are the strengths and weaknesses of the Vincent Brothers blog?
- e) How *should* the newsroom have covered the trial?
- f) Consider Jenner's role: Should he have devoted more resources to the courtroom blog? Were there other, better decisions he could have made?
- g) Consider Jessica Logan's role: Was she creative enough in her approach to the courtroom blogging? If not, what else could she have done in terms of covering the trial and also dealing with her superiors? How well did she handle the situation?
- h) What do you think of Swenson's role, and his blogging efforts?
- i) What was the primary driving force in the *Californian's* efforts to blog the courtroom: technology or editorial considerations? In other words, to what extent was it a case of the tail wagging the dog?
- j) What is a successful blog, and what is its most important feature? Is it a site that attracts traffic? Is it one that produces material of a certain nature and quality? Or is it a site that publishes information quickly? Judging by any of these standards, was the Bakersfield *Californian's* blog a success?

History. Provide some historical context or parallels to blogging, such as pamphleteers, either before or early on in class discussion. In addition, examples of dramatic events, such as the Hindenburg Zeppelin crash (which can be considered an early example of a "raw feed"), or the Lindbergh baby saga (particularly the trial of accused kidnapper Bruno Hauptmann), can be cited as pre-blogging examples of live-from-the-site coverage which strove for similar compelling, comprehensive narrative. (See below for suggested source material for these topics).

Discuss online initiatives other than blogging that media outlets have taken to boost their visibility and circulation. This can lead to a broader discussion of the challenges posed by non-journalistic bloggers to journalism and the question of whether the Web is a boon or bane to traditional journalism.

Students should leave this case with insight into the potential and drawbacks of blogs in journalism. This should ideally constitute part of a larger understanding of two broader, but related, issues: first, the challenges of the Web—and of new technologies in general—to journalism at a macro level; and second, how these challenges manifest themselves at the micro newsroom level. The Bakersfield case study also asks students to consider newsroom editorial demands and dynamics, and prompts deliberation of how to negotiate these issues creatively and productively.

Suggested readings: Context/Historical

Bernard Bailyn, “The Literature of the Revolution,” Chapter 1 in *The Ideological Origins of the American Revolution*, Cambridge: Belknap Press of Harvard University Press, 1967.

SYNOPSIS: Writing before the Internet explosion, Bailyn could not have made the link between pamphleteers and blogs of today. However, more contemporary scholars and commentators have cited Bailyn’s description of “Literature of the Revolution” to make just such a claim. While noting obvious differences between blogs and pamphlets, they also note interesting similarities between the two forms. These include their relatively unofficial nature compared to traditional publications, their large degree of authorial control, and the suitability of both genres for “publishing short squibs and sharp, quick rebuttals,” while being able to “accommodate much longer, more serious, and permanent writing as well.”

George Orwell and Reginald Reynolds (Eds.), “Introduction” in *British Pamphleteers: From the Sixteenth Century to the French Revolution, Vol. 1.*, London: Allen Wingate, 1948.

SYNOPSIS: Some media commentators have drawn on Orwell’s introduction to highlight similarities between blogs and pamphlets which, as Orwell describes, “is a one-man show” with “complete freedom of expression, including, if one chooses, the freedom to be scurrilous, abusive, and seditious; or, on the other hand, to be more detailed, serious and ‘high-brow’ than is ever possible in a newspaper or most kinds of periodicals.” “Short and unbound,” the pamphlet “can be produced much more quickly than a book, and in principle, at any rate, can reach a bigger public. Above all, the pamphlet does not have to follow any prescribed pattern. It can be in prose or in verse, it can consist largely of maps or statistics or quotations, it can take the form of a story, a fable, a letter, an essay, a dialogue, or a piece of ‘reportage.’ All that is required of it is that it shall be topical, polemical, and short.”

-Hindenburg Crash-

SYNOPSIS: The crash of the giant Hindenburg hydrogen-filled airship on May 6, 1937, provides a creative historical parallel and context for students to consider in relation to blogging. Radio reporter Herbert Morrison's emotional, dramatic, and incredulous eyewitness description of the unfurling drama can be loosely conceived as an early precursor of blogging. Ask students to consider how a blogger today might cover the same story, and what the positive and negatives of blogging such an event might be.

Relevant materials include:

* Footage of the crash: <http://www.eyewitnesstohistory.com/vohind.htm>

* "Special Cable to the New York Times. Germany Shocked by the Tragedy," *New York Times*, May 7, 1937.

-Lindbergh Baby Kidnapping-

SYNOPSIS: The kidnapping and murder of aviator Charles Lindbergh's baby in 1932 garnered headlines around the world, prompting a media firestorm of such magnitude that H.L. Mencken deemed it "the biggest story since the Resurrection." The gruesome and mysterious story, which subsequently inspired a slew of books and films, is a colorful—albeit more national example—of a story that, like the Vincent Brothers trial, captured popular imagination, fuelled intense media attention, and spurred strenuous press efforts to cover the story. Like the Hindenburg example, use the Lindbergh case to stress that while technologies that enable blogging may be relatively new, many elements of blogs are far from original.

Relevant materials include:

* "Child Stolen in Evening," *New York Times*, March 2, 1932.

* "Kidnapping of Baby Speeds Federal Law," *New York Times*, March 2, 1932.

* "Entire City Force Hunts Kidnappers," *New York Times*, March 3, 1932.

* "Kidnapping Wave Sweeps the Nation," *New York Times*, March 3, 1932.

Suggested readings: Contemporary

Wilson Lowrey, "Mapping the Journalism-blogging relationship," *Journalism*, 2006, Vol. 7, Issue 4, p. 477-500.

SYNOPSIS: This article uses a systems framework from the sociology of occupations to map the journalism-blogging relationship. The research reveals vulnerabilities and areas of conflict between the two, and finds that difficulties posed by external and internal factors have led journalism to neglect some types of news information, which bloggers have subsequently poached.

These include partisan expressions, “old stories,” stories driven by non-elite sources, and highly specialized content. The article is particularly helpful because it outlines a fairly optimistic view of the relationship between blogging and journalism, including the notion that blogs pressure professional journalists to be more accurate and, in some cases, fill a need for information that either falls outside the bounds of traditional newsgathering or simply slips through cracks caused by downsizing.

Michael Schudson and Tony Dokoupil, “A Long View of Layoffs,” *Columbia Journalism Review*, March/April, 2007.

SYNOPSIS: Short article based on the above.

http://www.cjr.org/the_research_report/a_long_view_of_layoffs.php

“Goodbye Gutenberg,” *Nieman Reports*, Winter 2006, Vol. 60, Issue 4.

SYNOPSIS: This issue of the Harvard University-based publication focuses on journalists’ experience in the digital era, providing a good overview of many of the main issues raised by new technologies and forms in the newsroom, including blogs. “Journalism is on a fast-paced, transformative journey, its destination still unknown,” the report states. It adds in the introduction that while it is clear that the Web and other media technologies are having a significant impact on journalism, it is less apparent what the future holds: “Newsrooms are being hollowed out, and editors who resist such cutbacks are losing their jobs. Digital video cameras and tape recorders replace reporters’ notebooks as newspapers—and other news organizations—train staff in multimedia storytelling.” Relevant sections in the “Goodbye Gutenberg” issue include: “Sensing the Change” (Caught in the Web); “Finding Our Footing” (Journalism and Web 2.0); and “Converging on the Web” (Feeding the Web While Reporting the Story).

<http://www.nieman.harvard.edu/reports/06-4NRwinter/index.html>

Susan Robinson, “The Mission of the j-blog,” *Journalism*, 2006, Vol. 7, Issue 1, p. 65-83.

SYNOPSIS: This article draws from normative journalism theory to argue that “mainstream journalism” weblogs now occupy a role that reifies traditional norms even as j-bloggers shift those standard values. When journalists blog, they engage in postmodern reporting and writing, even as they attempt to reclaim journalism authority online. The j-blog, or journalist’s blog, has already begun to evolve traditional notions of the mainstream press. Readers and other

non-journalists help craft the story. News formats change. Asserting that, “ultimately, this evolution will affect what we know as the ‘truth’ about our society and ourselves, what we mean by ‘community’, and how we understand reality,” this article usefully analyzes some of the broad impacts that j-blogs are having upon journalism.

Cass R. Sunstein, *Republic.com 2.0*, Princeton: Princeton University Press, 2007.

SYNOPSIS: Harvard law professor Cass Sunstein provides a critical assessment of the Internet, including blogs. While he acknowledges that they have the potential to boost democracy and have led to unprecedented access to information, he also sees them as ways to avoid information we don't like and dwell in a world of opinions that merely confirm those that we already hold. “For many people, blunders, confusion, and extremism are highly likely, not in spite of the blogosphere but because of it,” Sunstein states, providing students with a useful counter-argument to that posed by Lowrey.

Melissa Wall, “Blogs of War: Weblogs as News,” *Journalism*, 2005, Vol. 6, Issue 2, p. 153-172.

SYNOPSIS: The article examines current events weblogs or blogs that were particularly active during the opening phase of the Iraq war in spring 2003. It usefully highlights some of the main features of blogging, especially in relation to older journalistic forms, suggesting that these blogs are “a new genre of journalism that emphasizes personalization, audience participation in content creation and story forms that are fragmented and interdependent with other websites.” These characteristics, it maintains, “suggest a shift away from traditional journalism’s modern approach toward a new form of journalism infused with postmodern sensibilities.”

“Bloggers in the Courtroom a New Twist in Coverage,” *NPR Weekend Edition*, January 14, 2007.

SYNOPSIS: The Washington-based perjury trial of former White House aide Lewis “Scooter” Libby marked the first time the pressroom in a federal court had seats for bloggers. Two places went to members of the Media Bloggers Association, a group that represents some 1,000 online writers and wants to extend some of the powers reserved for more traditional media to the blogosphere. This NPR segment focuses on Robert Cox, the association’s president who negotiated the deal with the court, and provides useful broader context for issues involved with “blogging the courtroom.”

<http://www.npr.org/templates/story/story.php?storyId=6854136>