



### ***The Bakersfield Californian* and Blogging the Courtroom**

Jessica Logan, a 29-year-old reporter for the *Bakersfield Californian*, had covered courts and reported on a murder trial before. But in winter 2007, she encountered something new and disturbing. It had nothing to do with the trial she was covering. Rather, she was concerned about what her editors were asking her to write.

Logan's editors wanted her—in addition to filing her daily and weekend stories for the newspaper—to blog from the courtroom for the *Californian's* website. Blogging was nothing new, neither for the *Californian* nor the industry. Many newspapers carried online “blogs” or “web logs”—most of them written by staff reporters. The subject and content of these blogs varied widely. Some were musings or observations akin to a “reporter’s notebook”; others were updates of breaking news. Some reporters and columnists used their names and included personal opinions in their blogs; others did neither. Reporters often wrote blogs in a more conversational, relaxed style than “just the facts” traditional journalism allowed.

But the request made Logan uncomfortable. It was not the additional work—although she worried that writing a blog might distract her and she could miss important interactions in the courtroom. More fundamentally, she questioned the wisdom of asking a reporter to provide a web audience with a stream of observations on a story she was covering—especially a complex and nuanced legal story. Was the *Californian* offering a trial blog just because technology allowed it? What was the added value for readers? How could reporters maintain credibility as reliable narrators if their blogs were riddled with errors? What advantages, if any, were there to providing hourly updates—more like a wire service than a newspaper? Might blogging take up so much of a journalist’s time and attention that he would give short shrift to longer analytical or overview pieces?

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## Bakersfield and its Paper

The trial blog was only the latest step in the evolution of an unusually tech-savvy newsroom. Although its size and location did not make it an obvious incubator for cutting-edge journalism, the *Californian* had been one of the early adopters of Web technology. Bakersfield, California, the seat of Kern County, lay some 100 miles north of Los Angeles in the San Joaquin Valley. Greater Bakersfield was home to some 480,000 people, about 40 percent of them Hispanic. Lush green irrigated fields were separated by dusty patches of land punctuated with oil derricks bobbing up and down like so many metal birds. Though the oil economy was fading by 2007, Bakersfield was still home to two of the country's largest working oil fields.

Thanks to its geography and weather patterns, in 2006 the American Lung Association ranked Bakersfield as the most ozone-polluted city in the country; it ranked the city second in short-term and year-round particle pollution. Its downtown was quiet, hazy in the almost constant sunshine, and decidedly small town.

*A family paper.* Bakersfield's hometown paper had been in the same family for four generations. The *Californian* was located in a lovingly restored 19<sup>th</sup>-century Moroccan-inspired building. Ginger Moorhouse officially became publisher in 1989, but for personal reasons was unable to assume day-to-day responsibility for several years. Moorhouse finally returned to Bakersfield in 1994. At the time, the paper had a respectable daily circulation of 60,000—but Moorhouse thought it could do better. She wanted aggressive reporting and well-written stories, and she was not afraid to go out on a limb to get them. In January 2003, for example, the paper ran an eight-page series entitled "The Lords of Bakersfield" that detailed a sex scandal involving not only local business leaders, but the paper's former publisher (and Moorhouse's late brother) Ted Fritts as well.

While the *Californian* over the years had encountered sporadic competition from the *Los Angeles Times*, by the mid-1990s its editors began to see reporting on the Internet, as well as television news, as the real competition. In November 1993, CEO Michael Fisch hired as managing editor for nights (another managing editor covered days) 39-year-old Mike Jenner, a former reporter and editor at papers including the *Hartford Courant* and the *Philadelphia Inquirer*. In mid-1994, Moorhouse and Fisch hired Richard Beene as executive editor, and shortly after Jenner became sole managing editor. Jenner, Moorhouse and Beene understood that "the Internet was going to be a real play and we needed to own it," says Jenner. "We needed to be the local voice and needed to make sure that we staked out our territory early." The paper went online on October 1, 1995. Its website was called Bakersfield.com.<sup>1</sup>

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<sup>1</sup> The paper at first partnered with a local computer consultant to run the electronic bulletin board.

## Early to the Web

"Bakersfield.com was not really much for a couple of years," admits Jenner.<sup>2</sup> The *Californian's* initial online offerings were experimental and not always successful. It solicited online advertisements from real estate agents and car dealers, but both groups doubted the medium could make them money and shunned the paper's website. The *Californian* also tried a job website. "We had a button that said 'post your resumes' and well, people were sending us resumes. But we didn't know what to do with them," Jenner says. Another failed experiment was BakersfieldBabies.com, a website intended for proud parents to share news about their kids. "But people were freaked out," Jenner says; anxious parents feared everything from identity theft to child pornography.

However, Jenner--with Executive Editor Beene's active encouragement--persevered. His mandate was large: turn Bakersfield.com into a gateway for Internet activities including email, search engines, reader forums, or shopping. His goal was to make the site "kind of the bulletin board of the community, but also this big, huge cash cow revenue stream," he says. In 1997, when he was promoted to the position of vice president for new media, Jenner hired about 10 people for a New Media department.

But the newsroom continued to work on a traditional print-centric model. "We had a few people up in the newsroom who were a little geekier and more into [the Internet as] a tech, 'isn't this cool' kind of thing," Jenner says. For the most part, however, the New Media group and the newsroom remained separate. Any idea about integrating them more closely died in 2000 along with the bursting of the "dot.com bubble."

*Pull back.* With the collapse of what had been a booming (and overly speculative) technology sector, the *Californian* in 2000 redefined its commitment to the website. "We pulled back and said, 'Okay, we still believe in this, but not now. We can't invest at the same level,'" recalls Jenner, whom Moorhouse had promoted to executive editor in 1999. "So we said, we're going to back off." The company drastically cut back the New Media group.<sup>3</sup>

There the website remained until 2004. That year, while preparing a report for the *Californian's* annual executive staff retreat, Jenner studied current traffic statistics for the paper's website. "They were phenomenal. I mean phenomenal," he says. "While we were sleeping, it had just kept growing." With no deliberate effort on the paper's part, the site was drawing viewers clamoring for more information. Jenner adds:

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<sup>2</sup> Author's interview with Mike Jenner on May 14, 2007 in Bakersfield, California. All further quotations from Jenner, unless otherwise attributed, are from this interview.

<sup>3</sup> A skeleton staff of two remained.

Here we were, knocking our heads against the wall trying to raise circulation [for the newspaper] or keep gross circulation the same. And while we were cracking our heads against the wall, and doing zero to the website, there was huge growth.

At that point, Bakersfield.com was still essentially an electronic version of the paper. “It was just one big shovel dump at night,” Jenner says of the website’s content. “There was no video, no community activity, no blogs.” The paper’s website wasn’t even user friendly. “We had this really cumbersome registration process where you had to basically give your DNA to get in. It was too much. Still, people would almost do that just to get in,” he says.

### **Back in the Game**

Executive Editor Jenner realized that, if the website was attracting readers without even trying, he needed to reevaluate what the *Californian* was doing across the board. The time was not far distant, he suspected, when the website would eclipse the paper both in terms of readers and advertisers. Publisher Moorhouse agreed. “She realized earlier than most that there was going to be a day when the paper would become a niche publication,” says Jenner.

Jenner and Assistant Managing Editor Logan Molen sat down to study the website’s use patterns. They discovered only a small crossover between long-time *Californian* readers and Bakersfield.com users, those Jenner calls a “new world” of readers. “Logan [Molen] and I said, ‘We’ve got to figure this out. We need to make sure that the newsroom takes ownership of the [website] content,’” recalls Jenner.

As a first step, the executive staff began to expand the company’s online offerings. In 2004, they launched two websites (each with an associated biweekly print newspaper) targeting two of Bakersfield’s neighborhoods. The news items on both websites, Northwestvoice.com and Southwestvoice.com, were reported and written mostly by residents plus an editor, not by *Californian* reporters. Each website linked to Bakersfield.com. Thanks to a vigorous sales effort and low operating costs, both Northwest Voice and Southwest Voice turned a profit.

But while these Web-based projects thrived, the company by 2005 was experiencing financial pressures similar to other newspaper publishing firms. Although advertising revenues continued strong, in surveying the industry management recognized that this would not last; meanwhile, circulation was declining. To survive, Beene (who had become CEO) and Jenner resolved, required draconian measures. They decided to migrate newsroom staff from the newspaper over to the website—forcibly if necessary.

The union proved amenable to their proposal. Management and the union had a history of collaboration, and the union (which was local) had over the years been willing to give new ideas a

chance. Management presented the reorganization as key to survival, and a way to protect jobs. Their agreement called for universal training in new technology, with no sanctions for mistakes made as staff mastered novel skills. There would be no jobs lost, no demotions, and no financial loss to staff members.

*Revamped newsroom.* In May 2005, Jenner and Molen (by then managing editor) sketched out a revamped organizational chart using a simple two-page PowerPoint that he then hung in the newsroom. These two pages, labeled “Old Structure” and “New Structure,” outlined the *Californian’s* current editorial structure and the Web-focused newsroom Jenner envisioned. Jenner wanted the *Californian’s* staff to think of themselves as working for the publishing company, not just the newspaper—which Jenner called “ink on crushed paper.” The PowerPoint also included new job descriptions.

Among other changes, Jenner eliminated business as a full department in the News Division.<sup>4</sup> The change to business “was very symbolic, because it sent a clear message to the staff that we were willing to sacrifice some traditional coverage we once treasured in order to create resources for us to set off in a new direction,” recalls Jenner. He also abolished the agriculture beat, a once sacrosanct job in a city dependent on agriculture. He announced video training for both reporters and editors, who in the future would be expected to take along cameras while reporting stories.

Many staff were at first of two minds about the changes. Steve E. Swenson, the *Californian’s* union shop president, was among the doubters.<sup>5</sup> He had been the agriculture reporter and over a 30-year career had held almost every reporting job at the paper. He studied the new job descriptions and came away disheartened. “I didn’t see myself up there,” he says of the PowerPoint.<sup>6</sup> But slowly Swenson and other skeptics came around. In Swenson’s case, he began to appreciate in a very personal way just how much the reading experience of Bakersfield news readers had changed—because he was in charge of the new product known as “blogs.”

## **Blogs at the *Californian***

The *Californian* had gone a long way by 2005 towards making its online product visually appealing and conceptually attractive to readers. Blogs, or weblogs, were only one of the enhancements—which also included video, audio, photographs, podcasts, links to related sites and so forth. But blogs were emerging across the country as a new way to interact with readers. Reporters, commentators and others could use a blog to write in an informal voice and get reaction

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<sup>4</sup> The business editor’s job disappeared, and business reporters were cut from four to three.

<sup>5</sup> The union was the Bakersfield Newspaper Guild, a self-contained union.

<sup>6</sup> Author’s interview with Steve Swenson on May 14, 2007 in Bakersfield, California. All further quotes from Swenson, unless otherwise attributed, are from this interview.

from readers. The word “blog,” however, was an imprecise term of art and meant different things to different people. Some used blogs to introduce new information on a breaking story. Others considered it akin to a “reporter’s notebook,” a place to record impressions and opinions which did not belong in a traditional news story. Most blogs provided space for comments, which allowed readers to give feedback on their own views and reactions.

In 2005, there were only a handful of blogs at the *Californian*. Swenson, in addition to monitoring those, was expected to write his own. Jenner wanted Swenson’s new daily blog to comment on current news events. Swenson agonized over his job change. “I didn’t know what a blog was to start with,” he says. Once he did understand blogging, he was even more worried: now he would have to voice an opinion. “My biggest fear was that I was no longer going to be able to do the kind of journalism I was trained to do,” he says. “I spent my whole career not expressing my opinion and trying to be evenhanded.”

But Swenson came to love the new job. He delighted in the *Californian*’s ability to post news stories online before local television news shows—or even the television stations’ websites. “We have usurped TV at their own game,” he says. He had at first opposed posting breaking stories on the Web because it would allow competitors to read online what was in the works at the newspaper. But Swenson says he soon realized that “scooping is scooping. And if it’s only by a few minutes in the middle of the day, so be it: it’s a scoop.” Swenson’s new job delivered an unexpected bonus: he proposed to his wife on his blog.

Meanwhile, then-Assistant City Editor Davin McHenry moved over to become the *Californian*’s first Web editor. He accepted the job in large part because he knew Jenner and Molen were willing to take risks. “Frankly, we’re not the *New York Times*. We’re a smaller family newspaper,” says McHenry. “I don’t think there’s ever been a time that you can’t talk to the bosses and you can’t have ideas. It was clear that if I had ideas I could throw them out and try and make them reality.”<sup>7</sup> Under Jenner and McHenry, the website expanded and became more ambitious. Some Bakersfield.com stories updated the day’s news; others were stand-alone features. *Californian* editors and reporters even created podcasts recording their experiences reporting certain stories, a kind of “making of the story” story.

Within two years, Jenner’s goal of creating a “Web first” newsroom was beginning to take shape. Bakersfield.com was not just a Web version of the *Californian*, but its own news entity. In a seismic shift, most of the *Californian*’s reporters would say they worked not just for the newspaper, but also for the website and all future integrated media. Indeed, by early 2007 candidates for *Californian* staff positions were expected to know how to shoot video and be web savvy. Notes Jenner:

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<sup>7</sup> Author’s interview with Davin McHenry on May 14, 2007 in Bakersfield, California. All further quotes from Swenson, unless otherwise attributed, are from this interview.

We're a platform agnostic, multi-channel, disseminator of stuff. If you want it on a cell phone, no problem. If you want it on your computer, no problem. If you want a video, if you want to watch it on YouTube.com, no problem. We need to provide (information) and monetize it. I don't know about a pot of gold but there has to be a pile of nickels somewhere at the end of the rainbow.

As for blogs, they had mushroomed—both those written by reporters and those written by readers. In 2006, Jenner himself began a short, signed weekly blog, “Sound Off,” where readers could comment, complain, praise, or question Jenner directly about stories.<sup>8</sup> Another early and popular blog was “The Pulse,” written by the paper's health reporter.

*Rules unwritten.* But the *Californian's* rules about blogging were unwritten—and unclear. Some blogs included the reporter's name; others did not. Some were directly related to a reporter's beat, while others explored different topics.<sup>9</sup> Though a *Californian* employee handbook used in 2007 contained clearly stated guidelines about avoiding a conflict of interest in reporting stories, it did not reference the Web. Both Jenner and Web Editor McHenry say the *Californian's* reporters were professionals and knew where and when to draw the line between reporting and expressing personal opinions on the subjects they covered.

When a celebrated local murder case finally came to trial in early 2007, editors felt that a blog from the courtroom—a first for the paper—would be a logical next step for the news organization.

## The Brothers Trial

The trial centered on the July 2003 murder of five local residents, three of them young children. The murders initially attracted national media attention but by February 2007, when the trial was due to start, national interest had dwindled. Locally, however, the story was big. The accused, Vincent Brothers, was a former teacher and vice principal in Bakersfield, and a well-known public figure.

*An idea.* As the trial approached, *Californian* editors discussed how best to cover it. Jenner and his editorial team were proud of beating television news and even local bloggers. A *Californian* reporter blogging from the courtroom, he thought, would be a great idea. Jenner says he wanted the trial blogs to resemble the daily blogging from a *Los Angeles Times* reporter who had covered

<sup>8</sup> “Sound Off” had started in 2000 as a feature in the newspaper, and in the online version of the print product. In 2006, it relaunched as a blog.

<sup>9</sup> Some *Californian* reporters wrote personal blogs and linked them to Bakersfield.com without informing or securing approval from editors (Jenner says he and other editors were mostly unaware of this practice). The links were one-way, and did not lead from the Bakersfield site to the reporters' blogs.

the 2006 Tour de France. “There was a buzz,” he says of the race blog. “It was the color, how it felt to be in the race. I wanted our blog to be more sights and sounds.” For his part, Web Editor McHenry planned a special web page off of Bakersfield.com dedicated to the trial, from which readers could link to a frequently updated blog. McHenry envisioned “10 vignettes” a day from the courtroom.

Jessica Logan was the paper’s court reporter and had written stories on the Brothers pre-trial motions and other court proceedings. She reported directly to News Editor Christine Peterson on the city desk. Logan had already covered one long murder trial for the *Californian*, often calling in story updates to the newsroom from her cell phone. She would be covering the Brothers trial, and was the obvious choice to write a blog as well.

The trial was scheduled to start on February 21 and was expected to last three months. On February 13, Web Editor McHenry asked Logan to blog on the trial twice a day and to strategize with Swenson on how to make it work. He wrote:

Jessica, what I want from you is little tidbits from the court that don’t make it into stories. We can just package these as ‘court notes’ or something like that. This is when one of the lawyers zings another lawyer, or maybe Vincent Brothers doing something interesting etc.<sup>10</sup>

Logan replied that “[it] will be painfully easy to have two fresh items up a day,” but observed that in her experience so far covering trials, “I can’t think of anything that I haven’t put in the paper... But if something comes up, I’ll be sure to put it in.” In addition to the blog, she would file her daily and Sunday stories as usual. Swenson would physically post Logan’s items to the blog. McHenry suggested that Swenson, too, “might want to post your own comments about the trial as it goes along.”<sup>11</sup>

On Wednesday, February 14, the Bakersfield.com website announced the trial blog. It promised that the blog would link readers to the latest stories and videos concerning the trial. Interested readers could go first to Bakersfield.com, which highlighted news updates on the trial. From the main website, readers could then click on the link to a separate “special section” or webpage devoted to the trial, and labeled “The Trial of Vincent Brothers.” This comprehensive webpage would collect all of the crime and trial stories, as well as provide links to photos, timelines, victim and juror profiles, the crime scene map, videos from the trial--and the trial blog.<sup>12</sup> On the blog page, headlined “The People vs. Vincent Brothers,” readers could scroll through blog entries and comment on them.

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<sup>10</sup> Email from McHenry to Logan and Swenson, February 13, 2007.

<sup>11</sup> Ibid.

<sup>12</sup> Logan wrote these profiles, as well as the detailed timeline of the murders and court proceedings.



*Hand-held device.* Meanwhile, Logan and her editors discussed what technology would allow her to blog from the courtroom. Logan in early February suggested using an electronic hand-held device.<sup>13</sup> She felt the new technology had several advantages over calling into the newsroom from a cell phone. For one, she would not have to leave the courtroom—which was necessary to make a call. Another benefit was that other reporters could use it for future stories. Also, Kern County Superior Court Judge Michael Bush had not banned the use of a hand-held, though he did bar still cameras from the courtroom. He allowed a video camera to record the trial proceedings for a pool of reporters, including television stations and the paper's Bakersfield.com website. But there was no live feed; the video was to be viewed, edited and posted only at day's end.

As it happened, the trial started before the *Californian* team reached any conclusion on what brand of hand-held to use. In the meantime, Logan had begun to worry about three other issues. The first was how she would manage to follow complex trial proceedings while also writing blog entries. The second was the possible confusion the blog, with its presumably more informal voice, might cause readers of her newspaper stories. The final issue involved conflicting signals from editors.

## Launching the blog

The Bakersfield.com website had been publishing staff and reader blogs since June 2005 but Logan's blog would be the first from a trial. From the point of view of the top editors, a trial blog was just another news product. Jenner says he, Peterson and McHenry sat down with Logan repeatedly to explain what they wanted: a reporter's observations. "Lines or phrases such as 'Brothers is silently weeping as crime scene photos of his children are shown to the jury'; or 'Judge Bush is visibly upset by the defense's objection,' are the kinds of 'you are there' observations I was hoping for," says Jenner. "To me, these are the kinds of observations an experienced reporter can make and include in traditional news stories (in print or any medium)."<sup>14</sup>

But for Logan, the new venture got off on the wrong foot.<sup>15</sup> Despite the explanations, Logan felt she never understood clearly what the editors hoped the trial blog would accomplish. Logan assumed her entries would carry her byline, and understood that they would focus on the trial—effectively they would be news updates filed to the blog established on the Brother Trial website. But she received no written instructions or memo that laid out expectations. Jenner never asked Logan to read the Tour de France blogs, nor did he mention them to her. Logan wondered what tone of voice she should adopt—informal and chatty, or more distant? Should she write

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<sup>13</sup> There is some difference of opinion here. Some of Logan's editors feel she resisted the idea of using a hand-held electronic device.

<sup>14</sup> Jenner email to author November 19, 2007.

<sup>15</sup> Author's interview with Jessica Logan on May 25, 2007 in Bakersfield, California. All further quotes from Logan, unless otherwise attributed, are from this interview.

about everything that she noticed? Or create a kind of transcript of the proceedings? What kind of development merited a blog posting versus a news update? What could she safely ignore?

For the first two weeks of the trial, Swenson assumed the job of crafting blog entries from Logan's news updates. For this, he adopted a breezy, humorous tone. The day before the trial opened, for example, Swenson posted a blog item that examined who has time to sit on a jury for three months. "Let's not forget our retirees," he wrote. "They get the same pay if they are at home playing Canasta or if they're spending their golden years in court."<sup>16</sup> On February 22, he wrote an entry headlined, "We got gadgets at the trial." It announced that a hand-held device would henceforth be used to file copy, and continued:

We're doing all this to provide the most up-to-date information as quickly as possible. This beats my Smith-Corona all to heck. But I do miss the smell of rubber cement which we used to paste copy paper together. We don't use copy paper any more. It amazes me that we continue to use me.

For the first two days, until the hand-held arrived, Logan phoned in news bulletins from the courthouse for the website. Demand was high. The editors wanted frequent news updates because readers could receive news alerts via the Internet or on their cellphones, and Web Editor McHenry, in particular, wanted to provide timely information. At noon on February 21, McHenry sent an email to editors with the subject line: "Can we get three sentences from Jessica..." followed by the body: "...NOW instead of waiting for a full story?"

After News Editor Peterson forwarded McHenry's request, Logan responded: "Anytime, you can ask me a question... The only thing that gives me the jitters is when multiple editors start asking questions as soon as I get in." She also betrayed some confusion about what was expected of her, and asked for more guidance. She wrote:

Whatever you want for the Web I am willing and able to produce it, you just need to let me know what you need and when. I really thrive on knowing the rules and having a plan ahead of time... Is there something specific you want from me for the rest of the day/week?

On February 23, Logan received the hand-held device. That relieved her of the need to use the phone for updates. But she quickly realized that it would not be easy simultaneously to listen to court proceedings, take notes, and send news updates. The hand-held, while better than a telephone, had a tiny keyboard, which required typing with thumbs only. So the paper ordered her a larger collapsible keyboard she could connect to the hand-held device. Until the keyboard arrived, Logan continued to send news updates to Swenson, who reworked them into short blog posts.

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<sup>16</sup> See: <http://people.bakersfield.com/home/Blog/BrothersTrial/Page310>

Meanwhile, editors wanted more. On February 27, McHenry, Jenner and the managing editor asked Logan to file news updates more frequently. Logan did her best to oblige. But on March 1, McHenry suggested that she file as often as every 10 minutes. At this, Logan balked. She complained in an email to Swenson that “I don’t think I can do my job to the degree of accuracy demanded of me and meet these new requirements. I can’t listen to highly technical information and write at the same time.”

McHenry says he wanted Logan at least to phone in a few updates from the courthouse for the website during the day. He focused on using Logan to her full capacity. “If we have a reporter sitting in court all day, we want more than one story at the end of the day,” he says. The *Californian* could not afford to assign two dedicated reporters to the trial—one to write the “big picture” story and another to file updates and blog entries.

### Complaint heard

Logan’s complaint did, however, spark action. Swenson, in his capacity as union president, immediately informed News Editor Peterson and Web Editor McHenry that 10-minute updates were unreasonable. He wrote:

As someone who has covered trials, that just can’t be done effectively. The reality of covering a trial is you have to listen to all the foundation questions to get the nuances of the critical facts. Constant distractions in a case with a gag order (so you can’t ask the attorneys for clarifications) would lessen the reliability and accuracy of our coverage.

Swenson noted that the story was “getting high readership” but “updates every break—unless something momentous happens... seems reasonable.” He reassured Logan that she would not be expected to send updates every 10 minutes and advised her to be cooperative and do her best work. “That might include every so often writing in ‘nothing new’ if that’s the case,” he said.<sup>17</sup> In early March, Peterson gave the rest of the courts beat to another reporter, leaving Logan to report full-time on the Brothers case.<sup>18</sup> For the next two weeks, she filed from her handheld device.

*Blogging direct.* On Monday, March 19, Logan found waiting at her desk a wireless card she had requested for her laptop computer. This eliminated the need for the handheld and meant she could now communicate more effectively with the newsroom.<sup>19</sup> That first day, she sent her notes to the editorial desk, where editors rewrote them into a blog entry. McHenry, however, told Logan the rewrite had taken too much time. He directed that, while she should continue to send news

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<sup>17</sup> The trial blog received an average of 1,000 “hits” or views a day. At the time of verdict in late May, the total views stood at 79,000.

<sup>18</sup> Peterson had offered this earlier, but Logan had declined, hoping to be able to do it all.

<sup>19</sup> In the end, Logan never used the folding keyboard for the handheld device, which arrived March 15.

updates to editors (who put them on the Bakersfield.com and Brothers Trial webpages), she should post blog entries directly to the website. She should then notify editors via email to let them know she had posted. Logan assumed the email alert was to allow editors to make a quick check for errors and accuracy. She was not sure who would edit her blog postings, but she complied. Her post did not carry her byline but was instead credited to "Brothers Trial blog."

In addition, McHenry had asked her to insert a blank videotape in the courtroom pool reporter's camera each day when she arrived in the morning, and again after lunch. On March 19, he added an additional request: as Logan took notes during the trial, she was to mark the exact time of interesting courtroom exchanges so that at day's end a *Californian* editor could immediately find the spot on the video and quickly post it on the website. The task seemed simple but proved tricky. In emails, McHenry peppered Logan with questions asking why her times did not match up with taped events.

In light of juggling these tasks, Logan says she saw no option but to send off portions of her notes as her blog entries. She did not feel she had time to work the notes into short blog features as Swenson had been doing. "I thought I would make it as much of a story as I could, and I would make it as accurate as possible given the time constraint. But they were just notes," she says of her posts. Jenner, says Logan, reassured her that her notes would be fine as blog postings, and added that she should not worry about spelling errors. For a few days, Logan was too busy even to look at the website to read her own work.

When she did, what she saw dismayed her. Her blog entries contained a number of typos and grammatical errors. For example, in a posting made March 20 at 10:26 a.m., Logan had written: "Laskowski observed the kitchen has not been cleaned with the breakfast items were still in the kitchen and possible a light lunch was prepared." It was the first time she realized her postings had not been edited. Poor grammar was one thing, but what about mistakes? As she emailed Swenson on March 21:

I think it's dangerous to put what are essentially my notes straight onto the web without anyone reading them. I fear something libelous will slip into the copy if it hasn't already.

Swenson tried to reassure her: "We'll let you know if you write anything libelous; but as a court reporter, I'm sure you know how to keep that out... You are doing what your editors asked you to do." But Logan was only partially mollified. She felt she should observe the same standards for accuracy and fairness whether her work appeared in the newspaper or online. She says:

Journalism is important. It's important to have standards. And it's important to give the best quality of information to the readers that we possibly can. And the editors trust us with that.

Jenner feels that the different reporting demands on Logan—daily stories, blog posts, web updates—were complementary. “I think all these things kind of support one another,” he says. “I think that the blogging allowed [Logan] to transcribe, to get quotes down that she would then use in her stories. I think that by writing the early take for the web at noon, that helped her organize her thoughts.”

However, McHenry continued to ask for frequent contributions. On March 20, Logan filed nine blog posts between 9:30 a.m. and 3:30 p.m. On March 21 and 22, she filed 10 entries each day. On March 22, for example, she posted the following at 11:48 a.m.:

**A woman says she had sexual relationship with Brothers**

Lupe Hernandez works at Fremont School. She is a clerk.

She says she had a sexual relationship with Brothers in 2003 in the beginning of the year or maybe 2002. The relationship ended at the end of the school year at 2003. They would have sex at his home, a house. She also went to an apartment on Real Road in an upstairs apartment.

She had sex with him at the house and at the apartment.

Did Brothers’ discuss his personal life? Not really.

She asked him about his family and he said he was not married and had never been married in 2003. She said she did not want to go out with a married person. She believed him.

He didn’t have any children as far as he knew, but in 2003 she knew he had a son who went to preschool.

She doesn’t remember asking about the child. She doesn’t remember how she discovered he had a son. She shows her some photos of houses.

Charles Pilley was the principal of the school in 2003.

She doesn’t recall if it was at the end of 2002 or in 2003.

Did she tell the prosecutor she did not have a sexual relationship? She said she wanted to protect her family.

Did Mr. Brothers have photographs of children at his office? There was one picture of his son with somebody else. She may have said Brothers had a picture of an older girl and a smaller boy in his office.

Green questions her further.

Readers did notice that posting. A few objected to its style. “Who at the *Californian* wrote this story/blog entry? It is awful. Check your work before you post,” wrote one angry reader. Another said: “Pretty poorly written.... maybe the *Californian* has a 6th grader on staff now.” But a third reader noted that the same style had been used in reporting the high-profile trial of a prominent member of the Bush Administration.<sup>20</sup> McHenry explained in an online response that “[t]hese are basically notes from the reporter in the courtroom. In this day and age it doesn’t take too much to post them on the web almost immediately. We figured it was better to offer this info up to our readers in a rough version, rather than sitting on it until we can polish it up.”

Later that day, in a posting at 3:17 p.m., Logan made the blogging mistake which was both the easiest to fix (indeed, it was corrected within minutes of her finding out about it) and the

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<sup>20</sup> A blog from the trial of I. Lewis “Scooter” Libby (judgment in March 2007) had much the same tone and appearance as the blog Logan was writing.

simplest to make. In the post, titled “Prosecutor calls witness ‘a liar,’” Logan wrote about the testimony of a woman who had had an affair with the defendant. Inadvertently, Logan typed “she” instead of “he,” making it appear that the woman was on trial, not the defendant. She said a number of fellow reporters pointed it out almost immediately. “The other reporters had a good laugh, especially my competitors at the television stations,” she says. But it was precisely this type of mistake—one caught by someone other than an editor—that bothered her most. “It was just a keystroke difference, but it made all the difference” in being right or wrong, she says. The next day’s newspaper story was correct.

## Disputes and frustration

By the end of March, Logan was getting angry—and worried. Some of the anger was due to a sense that she was being overworked, and expected to do too much with too little oversight or back-up. But the worry reflected Logan’s concern that her blog was undercutting her ability to be a responsible and credible journalist.

*Multitasking.* How was she supposed to listen carefully to the nuances of a trial if she was simultaneously to take notes, send blog entries, and keep track of time code on the video? As Logan wrote to a fellow reporter: “Listening requires all of my attention. It [the trial] is very detail intensive. And tiny details can make the whole story.” Her editor, Peterson, sympathized. Peterson had applauded the blog idea when it was first proposed, but when she saw it in action she grew skeptical. Active listening, as she knew well, required full attention. She explains:

Are you watching the trial thinking, ‘This contradicts what I heard two days ago.’ Or ‘how does this fit with what this other witness said?’ It [listening] is about hearing inconsistencies and even ‘I see that this is an important quote to use.’ How much do you get to do that when you’re creating [what is essentially] a transcript?<sup>21</sup>

*Mistakes.* Logan had already confirmed that she was making spelling and grammatical errors. But it was potential errors of fact which worried her more. Mistakes, even seemingly trivial ones, were not taken lightly in the pages of the *Californian*. Editors carefully tracked factual, spelling and style errors in the paper. It published corrections in a consistent and visible manner. Staff reporters’ personnel files included any violations—known as For The Record, or FTRs—of the *Californian*’s stringent corrections policy. During annual employee reviews, notes Peterson, “the boss for whoever made the error [pulls] those out and we look at them... Depending on the nature of the error, as little as one could have you not having a job anymore.” The policy stated:

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<sup>21</sup> Author’s interview with Christine Peterson on May 25, 2007 in Bakersfield, California. All further quotes from Peterson, unless otherwise attributed, are from this interview.

Accuracy is our top priority and a basic expectation of any journalist. When mistakes appear, the journalist's own credibility is damaged, the readers' trust is shaken, and the ultimate outcome of an ensuing loss of readership could threaten our very existence. Therefore, we take all errors seriously—particularly avoidable verification errors—striving to correct them as soon as possible and taking steps to prevent them from recurring. Repeated or egregious errors may result in disciplinary actions, up to and including termination.

Yet there was no system in place to track reporters' online errors. Most material on the website did go first through an editor; but that was not true for blogs. There was no editing, Jenner says he personally considered the reporting standards for the Web and the *Californian* as "the same," but acknowledges that the company had no written standards or guidelines for online corrections. Occasional spelling errors or repetitions in Logan's blogs did not, he says, detract from the *Californian's* service to readers. He adds:

She [Logan] thought it would be copyedited before it went out. It wasn't. We didn't do that. And in fact, we really didn't do much editing at all because I don't think we needed to. It's not perfect, but it's a blog.

Peterson confirms that the Brothers trial blog entries went online unedited. Peterson did not read Logan's posts. "Would I have liked to? Yeah," she says. But at the time, she was "responsible for 13 full-time reporters, two assistant editors and two regularly scheduled freelance columnists. So am I going to be editing her blog all day? No, I'm not. She [Logan] was extremely nervous about that, and I understand." At the same time, Peterson felt someone should have been editing the entries: "When you're sending information out to your reading community, you have an obligation to serve it with fair, accurate and balanced information."

During the same time period, errors—of style, grammar and syntax—by other *Californian* reporters also made their way onto the website, says Peterson: "Certain things were posted to the Web without, in my mind, adequate review by a second person." Errors were corrected only when an editor happened upon them online, or a reader pointed them out. "That's not okay with me," Peterson says. "If it's from our staff, someone has to read it." Yet Peterson felt herself largely powerless to intervene on Logan's behalf. "With a 'Web first' mandate in the newsroom, the Web editor, and the immediate deadline, is going to win," she notes.

By April, Logan's frustration with the lack of editing had only worsened. On April 9, for example, she sent a post to the blog at 3:47 p.m. about phone calls made to and from the accused's cellphone. She wrote:

A third call was generated 21:13 or 9:13 p.m. EDT or 6:13 p.m. PDT. The call was placed to Joanie Harper's cellular telephone on July 2, 2003. It was placed from AT and T wireless system in Columbus Ohio.

One sentence later, she recorded: "On July 3, 2003, at 23:44, 11:44 PDT from the hoome phone of Carla Tafoya to Vincent Brothers' cellular telephone. It went to voice mail of Vincent Brothers." While it could be argued that the spelling errors in this and other posts were inconsequential, later in the same April 9 posting Logan in fact made a mistake. She wrote:

Fourteenth call 16:05 hours, 4:05 PDT on July 6, 2003, from Earnestine Harper's phone to Vincent Brothers' cellular telephone. "This is an unusual phone record to have," [sic]

The reference to a phone call at 4:05 PDT then made it into the main story she filed for the April 10 newspaper.<sup>22</sup> But there had been no such call. The newspaper ran a correction the next day. No correction was made to the blog. Logan filled out an FTR form for Peterson on April 12 regarding the newspaper error. She described the mistake as a 'source error,' saying the prosecution and the defense each characterized the phone call differently. On the form, Peterson noted that the attorneys were under a gag order and therefore unable to clear up any misunderstanding.

Logan was not surprised that a mistake crept in to that story in particular. The most difficult part of the trial, she says, was "listening to highly technical testimony and writing the blogs at the same time." Logan recalls frantically trying to listen to the exact numbers and write them down. "I was kind of terrified" of what she called the witnesses' rapid-fire testimony. "I just did the best that I could," she says. This type of detailed testimony rattled her most, but even listening to witnesses recount seemingly simple facts was often confusing. She adds:

It was difficult to keep up even with witnesses who say they saw Brothers at a certain time or had a relationship with him at a certain time. These witnesses would change their stories mid-stream and [testimony] is difficult to capture unless you are giving [the witnesses] your entire focus.

On April 16, the seventh week of her blogging from the trial, Logan emailed Web Editor McHenry about the website's policy on spelling errors. He replied: "We don't run spell check on any blogs as policy. In fact we run blog comments with obvious misspellings in the newspaper when we scrape blogs for print." He assured her that readers considered her blog posts "a raw feed." Logan persisted, suggesting that "it would be a good idea for someone back at the ranch to reread and maybe run a spell check. Don't you think?" McHenry disagreed. "I think we should read them. But I'm not inclined to edit them," he wrote. He told her "you're thinking of these blog posts as stories."

<sup>22</sup> Jessica Logan, "Officials recall signs of rigor mortis," *Bakersfield Californian*, April 2007, p. B1.



They are not. The blog is like a sneak peek into your notebook. You cannot apply the same standards to these posts as you do to a story that runs in print. The fact that we've had only a couple complaints over the course of hundreds of blog posts tells me that the lion's share of readers understand the concept.

That same day, Logan emailed Swenson in his role as union president and asked him if he thought careless mistakes, including spelling errors, "affect how people view you as a reporter." She asked him if he would speak to McHenry about the situation.

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