



THE JOURNALIST'S GUIDE TO AMERICAN LAW

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The Journalist's Guide to American Law

How do you report on the latest sensational criminal trial or newest controversial legislation without a basic understanding of how the American legal system works?

This easy-to-use guidebook offers an overview of American law that should be found on the desk of any journalism student or professional journalist. It provides an overview of major legal principles and issues in simple terms for journalists who cover any aspect of the legal system. *The Journalist's Guide to American Law* can be used in two ways: first, as a sit-down read that gives an overview of American law; and second, as a reference that can be used every day under deadline pressure for a specific purpose. Every feature of the book is designed to serve both functions. The book's organization captures both the bird's-eye view of a subject; and, alternatively, permits a quick review of a given section when the professional needs to understand a distinct concept. The areas covered range from professional concerns such as the First Amendment, cameras in the courtroom, sunshine laws, and access to government documents, to general legal matters such as the institutions of law and the law-making function of the judiciary; core constitutional principles such as separation of powers and judicial review; and how courts function.

The book is ideal for use in general newswriting and reporting courses, particularly those with a focus on legal or court reporting, and may also be used as a supplementary text in Media Law courses.

John T. Nockleby, Laurie L. Levenson, Karl M. Manheim, F. Jay Dougherty, Victor J. Gold, Allan P. Ides, and Daniel W. Martin are all faculty members at Loyola Law School, Los Angeles, which annually hosts the Journalist Law School, a fellowship program for professional journalists.

"The Journalist's Guide to American Law came home with me from my fellowship at the Journalist Law School at Loyola Law School, Los Angeles and took its place on my office bookshelf, displayed prominently among my most treasured volumes. Dog-eared and heavily marked up, its physical integrity is showing the signs of overuse . . . testament to its proud position as a top resource!"

—Ashleigh Banfield, host of "Legal View," CNN

"When you're writing about the law, being on deadline is no excuse for winging it. This volume belongs on every reporter's desk."

—Martin Kaste, National Public Radio

"The Journalist's Guide to American Law provides an excellent overview of the U.S. justice system, written in a fashion that is easily digestible for both the layman and legal expert. Covering the gamut of legal issues in America, this book is a must-have for every journalist who spends time covering the criminal justice system or civil procedure."

—Brian Skoloff, Associated Press

"The Journalist's Guide to American Law is indispensable for journalists—professional, aspiring or self-starters—who want to understand the Third Branch of government. It's accessible yet complex, and required reading for any reporter who wants to do the job well."

—Levi Pulkkinen, seattlepi.com

"Condensing three years of Law School into just what journalists need to know. When you need the answer ASAP, this reference guide is easier—and faster—than calling an attorney."

—Robert Kovacik, anchor/reporter, NBC Los Angeles

Preface

This book has many parents. Nearly a decade ago, working in partnership with a number of bar organizations, the Civil Justice Program at Loyola Law School created the *Journalist Law School*, a four-day boot camp in law for professional journalists who cover the courts and legal system. Each year the JLS attracts hundreds of applicants for 35 Fellowships, and has proven to be the most exciting teaching most of us do. Indeed, this book was inspired by our work with scores of Journalist-Fellows who represent all types of media.

The authors are all law professors, but most of us have worked with journalists for years. Indeed, collectively we have given thousands of press interviews on a wide variety of subjects. Many of us teach constitutional law, and have a special concern for the First Amendment protections accorded those who report on matters of public concern, including legal matters. We hope this book continues to support the work of journalists and others who wish to understand the legal system in a more comprehensive way.

We would be remiss if we didn't also tell a story about how a chance lunch led to the creation of the Journalist Law School, and eventually this book. A number of years ago, John Nockleby was invited to a lunch with the incoming President of an influential bar organization, the American Board of Trial Advocates, or ABOTA. We knew that the ABOTA was a highly-selective group of some of the finest trial lawyers in the country, whose membership hailed from every state. In their professional life, some ABOTA members represent large companies and insurers; others represent individuals and small businesses. More recently, the organization had become active in promoting civic education in high schools, helping teachers gain a deeper understanding of the legal system, and supporting public education about the law, particularly the jury system and judicial independence.

The incoming President of ABOTA was Donna Melby, a partner in a major Los Angeles law firm. When Donna heard about our idea for the Journalist Law School, she immediately took it to ABOTA. As a result, the organization got behind the idea and used their brains, connections and muscle to turn the idea into reality. Indeed, without the support of ABOTA

and the ABOTA Foundation, the JLS would not have come into existence and this book would not have been written. We are deeply grateful to all the members, but especially to current and past presidents of ABOTA and the ABOTA Foundation: Mick Callahan; John V. Phelps; Mark Robinson; Lewis Sifford; Craig Lewis; Bill Callahan; Mike McGuire; Bill Sieben; Bill Ginsberg; Charles Baumberger; Wylie Aiken; Tom Harkness; Joel Collins; Harry Widmann; Pat Simek; Ron Rouda; Gordon Rather; Tom Girardi; John Holcomb; Robert Stone; Gil Jones; Bob Barbagelata; Bob Baker; Ed Nevin; and of course, Donna Melby.

We continue to receive support for the JLS from many other organizations that have made wonderful contributions to the success of the program. These include the Conference of Chief Justices (CCJ); the National Center for State Courts (NCSC); the Los Angeles County Bar Association (LACBA); the California Federal -State Judicial Council; the Consumer Attorneys Association of Los Angeles (CAALA); the Defense Research Institute (DRI); the American Association for Justice (AAJ); the Consumer Attorneys Association of California (CAOC), and many local ABOTA Chapters from around the country. We are deeply appreciative of all the support from these organizations.

We also want to thank our faculty colleagues who have generously given of their time to participate in producing the JLS. Each year over 50 lawyers, judges, and law faculty participate in helping make the JLS a success. Both the current Dean of Loyola Law School, Los Angeles, Victor Gold, and the previous Dean, David Burcham (now President of Loyola Marymount University), have been strong supporters of the program from inception. Our co-authors—Jay Dougherty, Allan Ides, Dan Martin, and Dean Gold—have not only regularly participated in the JLS, but shared their expertise in the development of this volume. Tim Oppelt (LLS '07) helped edit several chapters, and our faculty secretaries, Linda Wysocky and Valda Hahn, have been stalwart assistants for many years.

And to all journalists who strive to find meaningful stories about the legal system, and who diligently work to explain the justice system to the public: we thank you.

*John Nockleby,
Laurie Levenson and
Karl Manheim
Loyola Law School, Los Angeles
February, 2014*

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