

VARIABLES ASSOCIATED WITH NEWSPAPER  
COVERAGE OF CALIFORNIA SUPREME COURT  
DECISIONS: A MULTIVARIATE ANALYSIS  
Dissertation by: F. Dennis Hale, Ph.D.  
Southern Illinois University

76-NI-99-0058

66649

#76-NI-99-0058

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A MULTIVARIATE ANALYSIS

by

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Ph.D.

A Dissertation Submitted in Partial  
Fulfillment of the Requirements for  
the Doctor of Philosophy Degree

School of Journalism  
in the Graduate School  
Southern Illinois University  
July 1977

66649

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## CHAPTER I

### INTRODUCTION

The purposes of this study are to describe systematically the reporting by daily newspapers of decisions by a state supreme court, and to identify variables that distinguish between court decisions that are covered and not covered, and between decisions that receive greater and lesser amounts of press coverage.\* This can be interpreted as an indication of the press' performance of its watchdog role, which makes it a major responsibility of the press to report on consequential actions of government. The study was accomplished by measuring the association between one type of variable, coverage characteristics, and three other types of variables-- case characteristics, decision characteristics, and policy significance. The strength of association between the variables was measured using a series of multiple regression equations which tested thirty-five hypotheses. The four types of variables included the following dimensions:

1. Coverage characteristics--column inches devoted to a court decision by a sample of newspapers, frequency

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\*Prepared under Grant Number 76 NI-99-0058 from the Law Enforcement Assistance Administration, U.S. Department of Justice.

that decision was mentioned in the headline.

2. Case characteristics--whether the case came from a trial court or intermediate appeals court, involvement of amici curiae parties, whether the case was criminal or civil.

3. Decision characteristics--number of dissenting votes, length of the majority opinion, whether the judgment favored the initiator of the suit (plaintiff in civil case, prosecutor in criminal case).

4. Policy significance--number of times that the court decision was cited during the three years after it was released by various legal authorities, including California appellate courts, other state appeals courts, federal courts, law journals, and American Law Reports.

#### Watchdog Justification

The watchdog role of the press provides a major justification for this study. The following syllogism relates the watchdog role to state appellate courts:

First, in a representative democracy such as the United States, where private citizens indirectly participate in government through voting and petitioning, it is essential that citizens have access to information about the actions of government.

Second, because private citizens are unable

personally to gather information about the multitude of governmental agencies that affect them, it is the role of the professional press, performing as a watchdog, to scrutinize and observe governmental institutions and report on their activities.

Third, state supreme courts are highly consequential agencies of government. Therefore it is a responsibility of the press to report information about such courts.

This watchdog function is not limited to the political branches of government. On at least three occasions the authors of majority opinions of the U.S. Supreme Court have stressed the importance of the news media reporting on the courts and on the administration of justice. The following remarks were made by three associate justices--Byron White, Hugo Black and Tom Clark (in that order):

With respect to judicial proceedings in particular, the function of the press serves to guarantee the fairness of trials and to bring to bear the beneficial effects of public scrutiny upon the administration of justice.<sup>1</sup>

The knowledge that every criminal trial is subject to contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power.<sup>2</sup>

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<sup>1</sup>Cox Broadcasting Corp. v. Cohn, 420 U.S. 496, 492 (1975).

<sup>2</sup>In re Oliver, 333 U.S. 257, 270 (1948).

The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecution, and judicial process to extensive public scrutiny and criticism.<sup>3</sup>

This watchdog function includes state judicial systems and the appellate courts that head them. The importance of state law and state courts has been emphasized by a number of legal participants and scholars, including Supreme Court Associate Justice William J. Brennan, Jr., and political scientists Rosenblum, Glick, Jacobs and Gallagher, and Glick and Vines (in that order):

The final and vital decisions of most controversies upon which depend life, liberty and property are made by the state courts.<sup>4</sup>

From minor traffic offenses to murder, it is predominantly the states that bear the responsibility for the definition of crime and for the apprehension, trial and treatment of offenders.<sup>5</sup>

State judicial systems and the supreme courts which cap them stand at the center of the American judicial system... most law in the United States remains state law, subject to enforcement through state judicial systems.<sup>6</sup>

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<sup>3</sup>Sheppard v. Maxwell, 384 U.S. 333, 350 (1966).

<sup>4</sup>William J. Brennan, Jr., "State Court Decisions and the Court," Pennsylvania Bar Association Quarterly 31 (June 3, 1960): 398.

<sup>5</sup>Victor G. Rosenblum, "Courts and Judges: Power and Politics," in The 50 States and Their Local Governments, ed. Karl A. Fesler (New York: Alfred A. Knopf, 1967), p. 406.

<sup>6</sup>Henry Robert Glick, Supreme Courts in State Politics (New York: Basic Books, 1971), p. vii.

The importance of the state courts can scarcely be overestimated, for about 90 percent of all civil and criminal cases begin and end in those tribunals.<sup>7</sup>

State courts delve deeply into important values of American life in handling cases dealing with business relationships and property rights; essential issues of family life, such as divorce, adoption, wills, trusts, and estates; labor relations; consumer rights; and most criminal prosecution.<sup>8</sup>

Thus state appellate courts, which create and shape law, deserve the serious attention of the press. And the performance of the press in covering such courts merits systematic study.

#### Other Justifications

A second justification for research on press coverage of the courts is the apparent dissatisfaction with court coverage by many members of the legal profession. Supreme Court Associate Justice Wiley Rutledge, in a concurring opinion in Pennekamp v. Florida, observed: "There is perhaps no area of news more inaccurately reported factually, on the whole, though with some notable exceptions, than legal news."<sup>9</sup> Similarly,

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<sup>7</sup>Clyde E. Jacobs and John F. Gallagher, California Government: One Among Fifty (New York: Macmillan Co., 1966), p. 81.

<sup>8</sup>Henry Robert Glick and Kenneth N. Vines, State Court Systems (Englewood Cliffs, New York: Prentice-Hall, 1973), p. 2.

<sup>9</sup>328 U.S. 331, 371 (1946).

Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia complained that too many court reporters "draw on their imaginations instead of reality, and...report only a tiny part, instead of the rich whole, of the face of justice."<sup>10</sup>

However, members of the legal profession also have conceded the complexity of court matters. In the same passage in Pennekamp, Rutledge said that

newspapers are conducted by men who are laymen to the law. With too rare exceptions their capacity for misunderstanding the significance of legal events and procedures, not to speak of opinions, is great. But this is neither remarkable nor peculiar to newsmen. For the law, as lawyers best know, is full of perplexities.<sup>11</sup>

These sentiments were echoed by Jerome Frank and Justice William O. Douglas. Frank, professor at the Yale Law School, commented that the "average judicial opinion is so worded that, at best, only lawyers can comprehend it."<sup>12</sup> And Douglas observed that court opinions required at times the "economist's understanding, the poet's insight, the executive's experience, the political scien-

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<sup>10</sup>J. Skelly Wright, "A Judge's View: The News Media and Criminal Justice," American Bar Association Journal 50 (December 1964): 1129.

<sup>11</sup>328 U.S. 331 (1946).

<sup>12</sup>Jerome Frank, Courts on Trial: Myth and Reality in American Justice (Princeton, New Jersey: Princeton University Press, 1950), p. 258.

tist's understanding, the historian's perspective."<sup>13</sup> MacKenzie, who attended Harvard Law School and later reported on the U.S. Supreme Court for the Washington Post, placed much of the blame for poor court reporting on the judge-authors of court opinions. He said that court opinions often "mask the difficulties of a case rather than illuminate them" adding: "But I would suggest that murky decision-reporting may be the reporting of murky decisions as well as the murky reporting of decisions."<sup>14</sup>

Various evaluations of press coverage of appellate courts provide another justification for systematic study of the same area. Numerous observers have criticized the quality of coverage of the U.S. Supreme Court. Clayton, who covered the Court for the Washington Post, concluded that there was "bad coverage of the Supreme Court by the American press."<sup>15</sup> Max Freedman, correspondent for the British Manchester Guardian, called the Court the "worst reported and worst judged institution in the American system of government."<sup>16</sup> And Sobel

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<sup>13</sup>William O. Douglas, "The Supreme Court and Its Case Load," Cornell Law Quarterly 45 (Spring 1960): 414.

<sup>14</sup>John P. MacKenzie, "The Warren Court and the Press," Michigan Law Review 67 (December 1968): 304-305.

<sup>15</sup>James E. Clayton, "News from the Supreme Court and Justice Department," in The Press in Washington, ed. Ray Eldon Hiebert (New York: Dodd, Mead & Co., 1966), p. 187.

<sup>16</sup>Max Freedman, "Worst Reported Institution," Nieman Reports 10 (April 1956): 2.

said that "Supreme Court reporting is simply not all that it should or could be," resulting in ignorance on the part of the public:

Only rarely do people know exactly what the Court has held. Less often still do they know why it has held as it has. And almost never do they appreciate the consequences of particular Court decisions.<sup>17</sup>

Other observers emphasize the difficulty of the Supreme Court as a news beat. Newsweek reporters called it "by far Washington's toughest, most closeted reportorial beat."<sup>18</sup> And Wes Gallagher, general manager of the Associated Press, called the job "one of the toughest assignments in Washington."<sup>19</sup> Two men who made reputations as skilled reporters of the Court generally agree. Anthony Lewis said that "covering the Supreme Court is entirely different from other newspaper work in Washington."<sup>20</sup> And Clayton observed that

any good reporter can cover the Department of Justice. This assignment calls for the same attributes that are needed elsewhere--diligence, accuracy, perception, patience. But other qualities are needed by the reporter who writes about the Supreme Court...<sup>21</sup>

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<sup>17</sup>Lionel S. Sobel, "News Coverage of the Supreme Court," American Bar Association Journal 56 (June 1970): 548.

<sup>18</sup>"Covering the Court," Newsweek, October 18, 1971, p. 127.

<sup>19</sup>Wallace Carroll, "Essence, Not Angle," Columbia Journalism Review 4 (Summer 1965): 6.

<sup>20</sup>Anthony Lewis, "Problems of a Washington Correspondent," Connecticut Bar Journal 33 (December 1959): 363.

<sup>21</sup>Clayton, p. 196.

Concerning the specific subject, press coverage of state appellate courts, the sporadic assessments generally have been critical. Berger surveyed the supreme court chief justices in the fifty states about their press relations. He concluded that the courts enjoyed low visibility, largely because of their lack of public information activities. He commented: "The functions and problems of the court are little understood by the news media and the public they serve."<sup>22</sup> Martin also lamented the lack of public information activity by state appellate courts and their apparent contentment to "stay out of the limelight."<sup>23</sup> He said that reporters sometimes had to digest lengthy and complicated court opinions in a short period of time, resulting quite often in "inaccurate reporting or articles which entirely miss the focal point of the court decision."<sup>24</sup>

State appellate judges and a few press members also expressed dissatisfaction with the quality of reporting of state appellate courts. All nine appellate judges who were surveyed in Washington state said that

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<sup>22</sup>M. Marvin Berger, "Do the Courts Communicate?" Judicature 55 (April 1972): 319.

<sup>23</sup>Robert A. Martin, "Giving Light to the People: Public Relations for the Courts," Judicature 57 (December 1973): 190.

<sup>24</sup>Ibid., pp. 190-191.

the Washington Supreme Court was not covered as comprehensively as other branches of state government. And five of the nine agreed that the "press sometimes overlooked 'important new judicial precedents' or decisions with a 'statewide impact.'"<sup>25</sup> Morgan, who covered the supreme courts of Mississippi, Louisiana and Michigan for the Associated Press, indicated that the courts received only nominal press coverage, and that they did not receive close scrutiny.<sup>26</sup> Chief Justice Thomas M. Kavanaugh of the Michigan Supreme Court urged the assignment of reporters to the courts who were "well-versed in the intricacies of the law" and "knowledgeable about the meaning of what transpires in the courtroom"<sup>27</sup> Kavanaugh also said:

We know, also, today it is a rare news operation--electronic or newsprint--that assigns a reporter full-time to the courts. Sports, yes; courts, no. Yet, management expects its reporter to dash into a hall of justice in between covering a fire or city hall, and in 15 minutes find out all there is to know about a trial that has been in session all day or more. You say, that's what general reporters are supposed to be capable of doing. I suggest this

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<sup>25</sup>F. Dennis Hale, "How Reporters and Justices View Coverage of a State Appellate Court," Journalism Quarterly 52 (Spring 1957): 108-109.

<sup>26</sup>Interview with Hugh J. Morgan, Southern Illinois University at Carbondale, Illinois, February 26, 1976.

<sup>27</sup>Speech by Thomas M. Kavanaugh to Michigan Associated Press Broadcasters Association, East Lansing, Michigan, April 27, 1973.

is unfair to the reporter. I suggest, also, that the net result can be unfair to your viewers, to the persons whose lives and livelihoods are involved in the judicial process, and to the courts.<sup>28</sup>

A former reporter for the Washington, D.C., bureau of the New York Times and one-time editor and publisher of the daily newspapers in Winston-Salem, N.C., criticized press coverage of state appellate courts. Wallace Carroll, in an earlier discussion of press coverage of the U.S. Supreme Court in Columbia Journalism Review, urged more emphasis on essence and less on angle.<sup>29</sup> More recently he has said that "state supreme courts and appellate courts are a vast no-man's land as far as the press is concerned." He observed:

There are reasons and excuses, of course. In most states no newspaper, and not even the press associations, can afford to have a trained reporter keeping constant watch on the higher courts. The result is that when developments in those courts are covered at all, they are covered by innocents in the law. At no time is there good analytical coverage of the courts' accomplishments during a given session or of any trend of opinions in the courts.<sup>30</sup>

Evidence exists of extreme variability in the quality of coverage given state appellate courts. A study of the Washington Supreme Court measured coverage

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<sup>28</sup> Ibid.

<sup>29</sup> Carroll, "Essence, Not Angle."

<sup>30</sup> Wallace Carroll, personal correspondence, Winston-Salem, N.C., March 26, 1976, with the author.

of thirty decisions by two wire services and six daily newspapers. The Associated Press, which attempted to cover all of the court's output, reported 27 of the decisions (90 percent); United Press International, which focused on "cases of substantial public importance," reported 11 (37 percent). Coverage by the six dailies ranged from 1 to 8 of the 30 decisions (3 to 37 percent) and averaged 4 (13 percent.)<sup>31</sup> Variability in coverage of the U.S. Supreme Court was documented by Leslie in his analysis of nine metropolitan dailies for ten randomly selected weeks from the first six months of 1973. The number of days that the Court received coverage by the newspapers for the 70 days ranged from 8 (11 percent) for the evening Boston Globe to 30 (43 percent) for the morning New Orleans Times-Picayune.<sup>32</sup>

Finally, a number of academic researchers have encouraged the kind of research being conducted here-- systematic analysis of press coverage of a broad spectrum of decisions by a state appellate court. Dennis' comments on the U.S. Supreme Court also apply to state appellate

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<sup>31</sup>F. Dennis Hale, "The Press and a State Appellate Court: News Coverage by Six Dailies of Forty Decisions by the Washington State Supreme Court" (M.S. thesis, University of Oregon, 1973), pp. 43, 64.

<sup>32</sup>David W. Leslie, "The Supreme Court in the Media: A Content Analysis," paper presented at the 1976 annual meeting of the International Communication Association, Portland, Oregon, April 14-17, 1976, p. 20.

courts. He observed that little was known about the output of reporters who cover the U.S. Supreme Court, concluding: "In this field, content analysis would do much to provide insight into coverage patterns and performance."<sup>33</sup> Similarly, Gillmor and Dennis concluded that "there are few studies of press coverage of the courts generally, both in terms of what gets reported and the relationship between the bench, the bar and press."<sup>34</sup>

Wasby, in his book-length review of the literature on the impact of the U.S. Supreme Court, also hints at the type of research being conducted here. He evidently viewed press coverage of the Supreme Court as relevant to his broader concern of judicial impact, for he devoted a sixteen-page chapter section, "The Court and Communication," to the topic.<sup>35</sup> In numerous passages he noted the narrow scope of most impact analyses, particularly how the studies emphasized the U.S. Supreme

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<sup>33</sup> Everette E. Dennis, "Another Look at Press Coverage of the Supreme Court," Villanova Law Review 20 (March 1975): 779.

<sup>34</sup> Donald M. Gillmor and Everette E. Dennis, "Legal Research and Judicial Communication," in Political Communication: Issues and Strategies for Research, ed. Steven H. Chaffee (Beverly Hills, California: Sage Publication, 1975), pp. 298, 299.

<sup>35</sup> Stephen L. Wasby, The Impact of the United States Supreme Court: Some Perspectives (Homewood, Illinois: Dorsey Press, 1970), pp. 83-99.

Court and public law to the near exclusion of state courts and the private law that governs conflicts between individuals and individuals.<sup>36</sup> In the preface to the volume Wasby stated that impact research in the area of private law largely was unavailable: "An examination of the impact of court cases on private law will have to await studies of the impact of lower courts and state high appellate courts."<sup>37</sup> An analysis of the decisions of a state supreme court for one year, as was done here, includes a significant amount of such private law.

This introductory chapter examined justifications for a systematic analysis for press coverage of decisions by a state appellate court. Among those justifications were the watchdog function of the press and its obligation to scrutinize consequential agencies of government (including state supreme courts); the complexity of appellate courts as news beats; and criticism of the performance of the American press in covering both federal and state appellate courts.

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<sup>36</sup>Ibid., pp. 18, 24.

<sup>37</sup>Ibid., p. viii.

## CHAPTER II

### THE PROBLEM

What are the characteristics of state appellate court decisions that receive press attention, as compared to those decisions that are ignored by the press? What are the characteristics of court decisions that receive greater amounts of press coverage? And how do press coverage and characteristics of covered court decisions relate to the press performing its watchdog role and informing the public about significant actions of government? These are the major concerns of this study which measures the coverage by ten California daily newspapers of 139 final decisions of the California Supreme Court in 1972. (Appendix D, pages 148-158, "Sampled California Cases, Listed Chronologically," reports the names, citations and dates of the cases.) Specifically, the study examines the relationship between four classifications of variables: coverage characteristics, policy significance, case characteristics, and decision characteristics.

#### Coverage Characteristics

Coverage characteristics include measures of the quantity and prominence of reportage given court decisions by the newspapers. For each decision and each newspaper,

a determination was made of the column inches devoted to the decision, whether it was printed on page one,<sup>1</sup> whether a headline mentioned the decision,<sup>2</sup> whether it was published in the first edition after it was released by the court,<sup>3</sup> and the source of the report (wire service or newspaper staff). Using these indicators, high coverage of a decision is characterized by display on page one, mention in a headline, a relatively large number of column inches, and publication in the first edition after the decision is released by the court. For an evening paper the first opportunity for publication is the evening after the morning that the decision is released; for morning papers it is the morning of the day after the decision is filed. Headline mention was examined because of the practice by some appellate courts of releasing more than one decision at a time, and of the tendency by news organizations to group such court decisions into one story. In such "group" stories the decision singled out for the headline receives more

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<sup>1</sup>David W. Leslie, "The Supreme Court in the Media: A Theoretical and Empirical Analysis," report submitted to the National Science Foundation, Law and Social Sciences Research Program, April 20, 1976, p. 189.

<sup>2</sup>Ibid., p. 382.

<sup>3</sup>Ibid., p. 234.

prominent display.

Policy Significance

These variables are included to obtain an objective measure of the policy impact, or consequentiality, of the court decisions. The six variables consist of the number of times that each of the 1972 California Supreme Court decisions was cited during the three years after it was released by (1) the California Supreme Court, (2) lower California appellate courts, (3) other state appellate courts, (4) federal courts, (5) California law reviews, and (6) other law reviews and American Law Reports. The rationale for these variables is that court decisions that make a significant long-range impact on public policy are the ones most likely to be contested and to generate litigation, and thus are the decisions most likely to be cited by appellate courts and legal scholars.

Rodney L. Mott,<sup>4</sup> John P. Frank,<sup>5</sup> Stuart S. Nagel<sup>6</sup>

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<sup>4</sup>Rodney L. Mott, "Judicial Affairs," American Political Science Review 30 (April 1936): 295-315.

<sup>5</sup>John P. Frank, Marble Palace: The Supreme Court in American Life (New York: Alfred A. Knopf, 1958).

<sup>6</sup>Stuart S. Nagel, "Sociometric Relations Among American Courts," Southwestern Social Science Quarterly 43 (September 1962): 136-142.

and Stephen L. Wasby<sup>7</sup> all support the use of citations to court decisions as an index to their importance. Most directly, Mott observed that

the extent to which the decisions of a court are followed by its fellows is more than a mark of its prestige; it is evidence of its influence on the general development of the law in the United States. A court whose views are highly regarded in other jurisdictions is in an enviable position of leadership.<sup>8</sup>

In constructing a prestige rating for state supreme courts, Mott measured the number of times a court was cited by other state courts and by the U.S. Supreme Court, and the number of times a court's decisions were included in law school case books.<sup>9</sup> Nagel, in his "Sociometric Relations Among American Courts," examined the number of times that state courts in seven national regions and the federal jurisdiction cited courts inside and outside their region.<sup>10</sup> Frank evaluated the citations

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<sup>7</sup>Stephen L. Wasby, "The Pure and the Prurient: The Supreme Court, Obscenity, and Oregon Policy," in The Supreme Court as Policy-Maker: Three Studies on the Impact of Judicial Decisions. 2nd ed., ed. David H. Everson (Carbondale, Illinois: Public Affairs Research Bureau of Southern Illinois University at Carbondale, 1972), pp. 82-116; Stephen L. Wasby, "The Supreme Court's Impact: Some Problems of Conceptualization and Measurement," Law & Society Review 5 (August 1970): 41-60.

<sup>8</sup>Mott, p. 307.

<sup>9</sup>Ibid., pp. 302-308.

<sup>10</sup>Nagel, pp. 136-138.

of a series of concurring opinions by U.S. Supreme Court associate justice, Felix Frankfurter. Finding that "in almost no instances were the concurrences ever used by anyone," Frank concluded that the opinions had little impact on public policy.<sup>11</sup> Wasby, in his discussion of impact of U.S. Supreme Court decisions, suggested a number of concepts that are applicable here. First, he said that

to test the effect of Supreme Court decisions on the level of litigation, one could examine lower-court dockets to determine how many cases have been filed dealing with the subject of a Supreme Court case.<sup>12</sup>

Second, he said that

a possible measure of the scope of the impact of Supreme Court opinions would be the frequency with which the opinions were mentioned outside courts and among non-lawyers, particularly by members of "attentive publics."<sup>13</sup>

And third, Wasby commented:

When the constitutionality of policy proposals is under discussion, one may expect frequent references to relevant Supreme Court cases. Most frequent mention can be expected from lawyers and in judicial proceedings.<sup>14</sup>

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<sup>11</sup>Frank, p. 126.

<sup>12</sup>Wasby, "Supreme Court's Impact," p. 51.

<sup>13</sup>Wasby, "Pure and Prurient," p. 102.

<sup>14</sup>Ibid.

Thus the concept of using subsequent citations of a decision as a proxy or surrogate for the difficult-to-measure conceptual variable of policy significance has received considerable support.

### Case Characteristics

These variables determine if there are certain types of cases, or patterns of facts, that result in a disproportionately high or low amount of press coverage of court decisions. Two variables concern the nature of the appeals process prior to the release of the final decision by the California Supreme Court: route to the court (whether from trial court, intermediate appellate court, or as an original action before the supreme court); and existence of amici curiae briefs.

Amici Curiae participants are "friends of the court" who have been allowed to supplement the efforts of a litigant by filing briefs or making oral arguments. They have been interpreted as a cue that broad policy considerations are at stake. Vose analyzed amici curiae parties as pressure groups, analogous to the special interest groups that lobby the legislative branch of

government.<sup>15</sup> Krislov examined the involvement of the U.S. attorney general as an amici curiae party as an effort by the executive to make an impact on broad judicial policy.<sup>16</sup>

Cases also are categorized according to the basic type, the subject matter, and the parties. The three basic classifications of Canon and Jaros are used-- criminal, government civil, and other civil.<sup>17</sup> For subject matter, cases are broken down further into sub-categories. Criminal cases are divided into murder, other violent crimes, and nonviolent crimes, using categories of the Uniform Crime Reports of the Federal Bureau of Investigation.<sup>18</sup> Civil cases are divided into the six categories used in Wanner's study of California trial

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<sup>15</sup>Clement E. Vose, Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases (Berkeley: University of California Press, 1959).

<sup>16</sup>Samuel Krislov, et al., Roles of the Attorney General of the United States (Washington, D.C.: American Enterprise Institute, 1968), pp. 77-80, 88-91.

<sup>17</sup>Bradley C. Canon and Dean Jaros, "External Variables, Institutional Structure and Dissent on State Supreme Courts," Polity 3 (Winter 1970): 185.

<sup>18</sup>Crime in the United States: Uniform Crime Reports--1968 (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 4, 17, 22.

courts.<sup>19</sup> Also used for a variable is Wanner's three party types--individuals, organizations, and government agencies.<sup>20</sup>

Two other case characteristics variables are: the monetary amount of the trial-court judgment (for civil cases), and the total number of signed decisions released by the court on the day that the decision being analyzed was filed.

Both Wasby and Leslie, who analyzed the U.S. Supreme Court, were concerned with the amount of information released by the Court on any one day. Leslie, examining information overload, looked at the number of messages emanating from the Court and compared this quantity to the information that appeared in the news media.<sup>21</sup> Wasby studied the flow of decisions from the Court, particularly the practice of releasing large numbers on Monday. He suggested that by spreading out the release of decisions throughout the week that "increased visibility of some cases now neglected or

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<sup>19</sup>Craig Wanner, "Initiating Civil Cases in Urban Trial Courts," Law & Society Review 3 (Spring 1974): 422.

<sup>20</sup>Ibid., p. 424.

<sup>21</sup>Leslie, "Theoretical Analysis," p. 206.

distorted would result."<sup>22</sup> Thus this study of the California court includes as one variable the number of decisions that are released with a decision.

#### Decision Characteristics

These variables come from the written court decisions and concern the impact of the decision on judgments of lower courts, kind of law that was decided, length of the majority opinion, and impact of the decision on parties to the case.

The degree of agreement between the supreme court and lower courts is indicated, first, by whether the supreme court agrees with neither, one or both of the courts beneath it, and, second and third, whether it agrees with the trial court and Court of Appeal.

The amount of internal court conflict over a case is measured with two variables: the number of separate opinions included with the decision, and the number of dissenting votes. Rates of dissent were researched

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<sup>22</sup>Stephen L. Wasby, "Police and the Law in Illinois: A First Look at the Communication of Supreme Court Decisions," Public Affairs Bulletin, Public Affairs Research Bureau, Southern Illinois University at Carbondale (September-October 1972), p.3.

by Canon and Jaros.<sup>23</sup> Wasby, in examining the dissemination of Supreme Court decisions to police officers, noted that the vote of the Court, whether it was "unanimous or a tissue-thin 5-4," was a factor that affected communication of the decision.<sup>24</sup> And Leslie found a -.75 correlation between the spread of the vote in Supreme Court decisions and the level of coverage by the news media.<sup>25</sup> (A 9-0 decision would have a vote spread of 9; a 5-4 decision would have spread of 1.)

Variables that concern the kind and amount of law that was decided are: length of the majority opinion, number of statutory provisions mentioned in headnotes of West Publishing Company, and number of provisions of state or federal constitutions mentioned in West headnotes. Headnotes are the guides to the law of the case that are prepared by the publishers of court decisions.

One other variable is whether the final decision favors the initiator of the legal action. This is the

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<sup>23</sup>Canon and Jaros, "External Variables;" Dean Jaros and Bradley C. Canon, "Dissent on State Supreme Courts: The Differential Significance of Characteristics of Judges," *Midwest Journal of Political Science* 15 (May 1971):322-346.

<sup>24</sup>Wasby, "Police and the Law," p. 3.

<sup>25</sup>Leslie, "Theoretical Analysis," p. 252.

plaintiff in civil suits and the prosecution in criminal cases. Wasby theorized that a decision favorable to the police "may be communicated faster than one which has gone against the police."<sup>26</sup> Friedman identified a modern trend at the trial level of a higher percentage of court judgments favoring the plaintiff.<sup>27</sup>

This chapter introduced the variables that were tested in this study. Leslie's research on press coverage of the U.S. Supreme Court is the only systematic study that relates any of these variables to press coverage of the appellate courts. And the Leslie project includes only a few of the same variables. No previous study relates these same variables to press coverage of a state appellate court.

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<sup>26</sup>Wasby, "Police and the Law," p. 3.

<sup>27</sup>Lawrence M. Friedman and Robert V. Percieval, "A Tale of Two Courts: Litigation in Alameda and San Benito Counties," Law & Society Review 10 (Winter 1976): 287.

## CHAPTER III

### REVIEW OF LITERATURE

This literature review, which attempts to examine all of the literature that concerns the broad subject of press coverage of appellate courts, is more extensive than was necessary. This was necessary because of the lack of studies on press coverage of state appellate courts, and the relative abundance of studies on press coverage of the U.S. Supreme Court. The research most pertinent to this study may be found in two sections at the end of this chapter, "Analysis of Straight News" and "Coverage of State Courts."

#### Characteristics of News Source

Grey,<sup>1</sup> Johnson,<sup>2</sup> Newland,<sup>3</sup> Dennis,<sup>4</sup>

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<sup>1</sup>David L. Grey, The Supreme Court and the News Media (Evanston, IL: Northwestern University Press, 1968).

<sup>2</sup>Richard M. Johnson, The Dynamics of Compliance: Supreme Court Decision-Making from a New Perspective (Evanston, IL: Northwestern University Press, 1967).

<sup>3</sup>Chester A. Newland, "Press Coverage of the United States Supreme Court," Western Political Quarterly 17 (March 1964): 15-36.

<sup>4</sup>Everette E. Dennis, "Another Look at Supreme Court Reporters and Reportage," paper presented to the 1974 meeting of the Association for Education in Journalism, San Diego, California, August 18, 1974.

Sobel,<sup>5</sup> Clayton<sup>6</sup> and Wasby<sup>7</sup> have devoted considerable attention to how coverage of the U.S. Supreme Court differs from coverage of other institutions. They describe three characteristics which make the Court an especially difficult agency of government to report:

1. The Court makes news erratically. The volume and significance of decisions released by the Court vary dramatically from day to day, and week to week. Layton, who covered the Supreme Court for the Washington Post, observed that "editors seem constitutionally unable to have a reporter working on something so intangible as a story he may--or may not--write next week."<sup>8</sup>

Gregory and Wasby underscored the irregularity of the flow of information from both the Warren and Burger courts, and how large percentages of decisions were

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<sup>5</sup>Lionel S. Sobel, "News Coverage of the Supreme Court," American Bar Association Journal, 56 (June 1970): 547-550.

<sup>6</sup>James E. Clayton, "News from the Supreme Court and Justice Department," in The Press in Washington, ed. Ray Eldon Hiebert (New York: Dodd, Mead & Co., 1966).

<sup>7</sup>Donald D. Gregory and Stephen L. Wasby, "How to Get an Idea from Here to There: The Court and Communication Overload," Public Affairs Bulletin, Public Affairs Research Bureau, Southern Illinois University at Carbondale, 3 (November-December 1970); Stephen L. Wasby, "Management of Opinion Flow: A Note on the Supreme Court," Carbondale, Illinois, 1973. (Mimeographed).

<sup>8</sup>Clayton, p. 186.

filed on Mondays and during the last six weeks of the nine-month term.<sup>9</sup>

2. Court news breaks without advance warning. Reporters have no way of knowing ahead of time what specific cases will be resolved in the decisions that the Court is about to file. Clayton remarked that "there are no leaks at the Court and there is no danger of a reporter being scooped by his competition."<sup>10</sup> One of the rare exceptions to this occurred in May 1977 when a correspondent for National Public Radio reported that Chief Justice Warren Burger was delaying the final vote on appeals by three Watergate defendants so that he could lobby for a change in the preliminary vote.<sup>11</sup>

3. Background or interpretive information generally is unavailable. The written opinion of the Court stands by itself as a news event. "The reporter is on his own, the Court has spoken; he must interpret what its words mean," said Clayton.<sup>12</sup> The Court has a press officer,

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<sup>9</sup>Gregory and Wasby, pp. 3-4; Wasby, "Management of Opinion Flow," p. 3.

<sup>10</sup>Clayton, p. 192.

<sup>11</sup>"Watergate Leak," Time, May 16, 1977, p. 85; "Supreme Embarrassment," Newsweek, May 9, 1977, p. 66.

<sup>12</sup>Ibid., p. 188.

but he does not distribute "explanations, or background information on judicial reasoning." And the officer is "in no way a spokesman for the Court."<sup>13</sup>

This literature also examines special problems associated with press coverage of the U.S. Supreme Court. One problem is the emphasis on speed by the Associated Press and United Press International, which provide newspapers and broadcasters with most of their news about the Supreme Court. Grey said that "great haste is a mostly self-imposed standard by the wire services."<sup>14</sup> Sobel was harsher in his judgment, concluding that speed and wire competition had "degenerated into a nonsensical preoccupation with being first with the story."<sup>15</sup>

Grey, Clayton and Carroll have focused on the substance--or lack of substance--in Supreme Court reporting. Grey said that in their coverage of the Court that newspapers and television were preoccupied with "who-just-did-what-to-whom rather than the more substantive issues of what-is-going-on-and-why."<sup>16</sup> He said

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<sup>13</sup> Grey, pp. 46-47.

<sup>14</sup> David L. Grey, "Covering the Courts: Problems of Specialization," Nieman Reports 26 (March 1972): 18.

<sup>15</sup> Sobel, p. 548.

<sup>16</sup> Grey, "Covering the Courts," p. 17.

that this emphasis on actors and action, on "personalities, drama, action and other often-superficial issues," resulted in the press ignoring important legal questions.<sup>17</sup>

Clayton concluded that the Supreme Court could not be covered the same way as a presidential speech, that so-called objective reporting was inadequate, and that there was a need for interpretation. He said that reporters

can quote a Supreme Court opinion at great length and be superbly accurate in quoting it, but nine times out of the ten there is no one quotation-- nor any series of quotations that can be published within the space confines of a normal news column-- that will tell the reader what the Supreme Court did and what it means to him.<sup>18</sup>

Carroll described the problem as a misplaced emphasis on angle, rather than essence, and on shadow, rather than substance.<sup>19</sup>

#### Studies of Court Reporters

Some of the most systematic research on the press and the U.S. Supreme Court consists of studies of the major gatekeepers who report on the Court, the reporters

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<sup>17</sup> Ibid.

<sup>18</sup> Clayton, p. 189.

<sup>19</sup> Wallace Carroll, "Essence, Not Angle," Columbia Journalism Review 4 (Summer 1965): 405.

who cover the Court in Washington, D.C., for the wire services, major newspapers and television networks. Leading researchers in this area are Grey and Dennis. Grey used what he termed a "newsman-observation analysis" to examine in-person the actions of one prominent Court reporter for one day. His focus was on the "effort of one man on one 'typical' decision day and how he goes about making news judgments."<sup>20</sup> In this situation, which involved a reporter for an evening newspaper, speed was important. A Court decision was received at 10:53 a.m. and a story was dictated by phone from 11:02 to 11:52 a.m. without using any written copy.<sup>21</sup> Factors that influenced the play that a Court story received were the time of day that the decision was filed by the Court, and the news judgment of the reporter's peers. Elsewhere Grey suggests the use of "ideal types" or personality typologies to predict coverage of the court.<sup>22</sup> One type is the passive-conservative, who remains distant from the

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<sup>20</sup>David L. Grey, "Decision-Making by a Reporter Under Deadline Pressure," Journalism Quarterly 43 (Autumn 1966): 421.

<sup>21</sup>Ibid., p. 424.

<sup>22</sup>David L. Grey, "Use of Ideal Types in Newsman Studies," Journalism Quarterly 44 (Spring 1967): 13-16.

news source, preferring to interpret narrowly the decision of the Court, and who generally understates, rather than overstates, the impact of the decision.<sup>23</sup> The opposite type is the reporter activist who agrees with the philosophy of the Court, tends to interpret the Court holding as broadly as possible, and who reflects a "pro-Court and lawyer-oriented philosophy."<sup>24</sup>

Dennis used a broader approach in surveying the characteristics and attitudes of fifteen reporters who regularly covered the Court in January 1974. The journalists came predominantly from the East and Midwest, and were well educated (there were six law degrees, five journalism master's degrees and one other master's degree).<sup>25</sup> Although a majority of the reporters devoted 50 percent or more of their time to covering the Court, only four devoted 75 percent or more of their time to the Court.<sup>26</sup> The reporters were quite satisfied with the quality of Court coverage: 11 of the 15 felt that coverage had improved in recent years; 9 rated the amount

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<sup>23</sup>Ibid., p. 15.

<sup>24</sup>Ibid., p. 16.

<sup>25</sup>Dennis, p. 30.

<sup>26</sup>Ibid.

of coverage as excellent-generous or adequate-about right; and all 15 said that coverage was accurate.<sup>27</sup>

Others who write about the press and the Supreme Court focus, in a less systematic way, on individual court reporters. Three court reporters published articles describing their personal experiences in covering the Court: John P. MacKenzie, who reported for the Washington Post;<sup>28</sup> James E. Clayton, also of the Post;<sup>29</sup> and Anthony Lewis, who earned a Pulitzer prize for his reporting of the Court for the New York Times.<sup>30</sup> Lewis also was discussed by Grey,<sup>31</sup> Newland,<sup>32</sup> Talese<sup>33</sup> and Carroll.<sup>34</sup> Dana Bullen, reporter of the Supreme Court for the Washington Star, was extensively described in Grey<sup>35</sup>

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<sup>27</sup> Ibid., pp. 30-31.

<sup>28</sup> John P. MacKenzie, "The Warren Court and the Press," Michigan Law Review 67 (December 1968): 303-316.

<sup>29</sup> Clayton.

<sup>30</sup> Anthony Lewis, "Problems of a Washington Correspondent," Connecticut Bar Journal 33 (December 1959): 363-371.

<sup>31</sup> Grey, Supreme Court.

<sup>32</sup> Newland, p. 20.

<sup>33</sup> Gay Talese, The Kingdom and the Power (New York: World Publishing Co., 1969), pp. 30, 349-351.

<sup>34</sup> Carroll, p. 5.

<sup>35</sup> Grey, "Decision-Making."

and Rivers.<sup>36</sup> Newland, in his seminal work on press coverage of the U.S. Supreme Court, focused on the Court press regulars of 1961--AP, UPI, New York Times, Washington Post, Washington Star and Wall Street Journal.<sup>37</sup>

Grey and Newland extended their analysis of reporters one step further and examined the kinds of messages actually produced by the court gatekeepers. Their studies, along with others by Johnson<sup>38</sup> and Leslie,<sup>39</sup> constitute the leading efforts at systematic measurement of press coverage of Supreme Court decisions. With the exception of Leslie, these studies concentrate on a narrow group of extraordinary, often sensational, court decisions, with emphasis on the issue of religion in the public schools. Other major areas of study concerning the press and Court are: editorials about court

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<sup>36</sup>Caryl Rivers, "Lawyer Prefers Reporting to Arguing of Big Issues," Editor & Publisher, August 8, 1964, p. 42.

<sup>37</sup>Newland, pp. 17-22.

<sup>38</sup>Johnson.

<sup>39</sup>David W. Leslie et al., "The Supreme Court in the Media: A Theoretical and Empirical Analysis," report to the National Science Foundation, Law and Social Sciences Research Program, April 20, 1976; David W. Leslie, "The Supreme Court in the Media: A Content Analysis," paper presented to the 1976 meeting of the International Communication Association, Portland, Oregon, April 14-17, 1976.

decisions,<sup>40</sup> headlines about decisions,<sup>41</sup> spectacular errors in reporting the Court,<sup>42</sup> press coverage given historical decisions,<sup>43</sup> press reaction to school desegregation decisions,<sup>44</sup> and consumption of Court

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<sup>40</sup>Johnson; Newland; Max Freedman, "Worst Reported Institution," Nieman Reports 10 (April 1956): 2; Stuart Nagel and Robert Erikson, "Editorial Reaction to Supreme Court Decisions on Church and State," Public Opinion Quarterly 30 (Winter 1966-67): 647-655.

<sup>41</sup>Johnson; Newland; David L. Grey, "Supreme Court Headlines; Accuracy v. Precision," Columbia Journalism Review 5 (Spring 1966): 26-29.

<sup>42</sup>Carroll; Clayton; Johnson; MacKenzie; Sobel; Robert U. Brown, "Shop Talk at Thirty," Editor & Publisher, May 12, 1956, p. 90; Gilbert Cranbert, "What did the Supreme Court Say?" Saturday Review, April 8, 1967, pp. 90-92; Donald H. Dalton, "Public Relations of the Supreme Court," Chicago Bar Record 40 (May 1969): 409-412; William A. Hachten, "Journalism and the School-Prayer Decision," Columbia Journalism Review 1 (Fall 1962): 4-6; "Reporters Disavow Prayer Ruling Haze," Editor & Publisher, August 11, 1962, p. 11.

<sup>43</sup>Stephen L. Wasby, The Impact of the United States Supreme Court: Some Perspectives (Homewood, IL: Dorsey Press, 1970); Alfred H. Kelly and Winfred A. Harbisan, The American Constitution: Its Origins and Development, 4th ed. (New York: W.W. Norton & Co., 1970); Arthur M. Schlesinger, Jr., The Politics of Upheaval (Boston: Houghton Mifflin Co., 1960); Charles Warren, The Supreme Court in United States History, revised ed. (Boston: Little, Brown, and Co., 1926).

<sup>44</sup>Hugh Davis Graham, Crisis in Print: Desegregation and the Press in Tennessee (Nashville: Vanderbilt University Press, 1967); Benjamin Muse, Ten Years of Prelude: The Story of Integration Since the Supreme Court's 1954 Decision (New York: Viking Press, 1964); Reed Sarratt, The Ordeal of Desegregation: The First Decade (New York: Harper & Row, 1966).

decisions by special publics.<sup>45</sup>

Wasby discussed using press reaction to assess the impact of Supreme Court decisions. In studying constitutional history, he observed that knowledge of press reaction was useful, even with incomplete data. In 1916 Congress passed the Keating-Owen Act which, among its provisions, excluded from interstate commerce goods manufactured in factories employing children under fourteen. In 1918 in Hammer v. Dagenhart<sup>46</sup> the Supreme Court overturned the law, ruling that manufacturing was not commerce and that child labor was a purely local matter. Wasby observed that following this Court action, newspaper editorials urged Congress to pass another child labor law, but one which would be upheld by the

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<sup>45</sup>Neal A. Milner, The Court and Local Law Enforcement: The Impact of Miranda (Beverly Hills, Calif.: Sage Publications, 1971); Stephen L. Wasby, "The Communication of the Supreme Court's Criminal Procedure Decisions: A Preliminary Mapping," Villanova Law Review 18 (June 1973): 1086-1118; Stephen L. Wasby, "Police and the Law in Illinois: A First Look at the Communication of Supreme Court Decisions," Public Affairs Bulletin, Public Affairs Research Bureau, Southern Illinois University at Carbondale 5 (September-October 1972); Stephen L. Wasby, Small Town Police and the Supreme Court: Hearing the Word (Lexington, Mass.: Lexington Books, D.C. Heath, 1976).

<sup>46</sup>247 U.S. 251 (1918).

Court.<sup>47</sup> Kelly and Harbison, in their volume on United States constitutional history, described the regional variations in public and press reaction to McCulloch v. Maryland.<sup>48</sup> The decision affirmed the constitutionality of the second Bank of the United States and prohibited states from imposing discriminatory taxes on the bank. Industrial and conservative forces in the Northeast generally favored the decision, while most Westerners and Southerners opposed it.<sup>49</sup> As another example of the use of press reaction to the Court in the study of history, Schlesinger noted growing opposition to the anti-New Deal decisions of the Supreme Court in 1936. The historian reported that one anti-minimum wage decision was discussed by 344 newspaper editorials, with only 10 supporting the Court and some 60, including some traditionally conservative papers, calling for a constitutional amendment on the subject.<sup>50</sup>

The most ambitious study of editorial reaction to Court decisions is contained in the multi-volume history by Charles Warren, The Supreme Court in United States

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<sup>47</sup>Wasby, Impact of the Supreme Court, p. 108.

<sup>48</sup>Wheaton 316 (1819).

<sup>49</sup>Kelly and Harbison, pp. 290-291.

<sup>50</sup>Schlesinger, p. 498.

History. Warren quotes extensively from editorial coverage of Supreme Court decisions because of his belief that "the impression made upon the public by the Court's decisions has often had as great an effect upon history as have the decisions themselves."<sup>51</sup> As an example, Warren's chapter on Gibbons v. Ogden,<sup>52</sup> entitled "The Steamboat Monopoly Case," cites twenty-two newspapers, including the New York Evening Post, Richmond Enquirer, Louisville Public Advertiser, Missouri Republican and Connecticut Courant.<sup>53</sup>

#### Examples of Inaccuracy

Although no systematic studies have been conducted of the accuracy of reporting of the Supreme Court, a number of writers have commented on specific events involving spectacular errors. Discussing the subject generally, Clayton said that because too many news agencies covered the Court like a presidential candidate that "inaccurate reporting is, upon occasion, a foregone conclusion."<sup>54</sup> One of the major oversights occurred with the

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<sup>51</sup>Warren, vol. 1, p. vi.

<sup>52</sup>9 Wheaton 1 (1824).

<sup>53</sup>Warren, vol. 1, pp. 587-632.

<sup>54</sup>Clayton, p. 184.

filing of Erie Railroad Company v. Tompkins<sup>55</sup> on April 25, 1938. The Court ruled that with the exception of matters governed by the federal Constitution, acts of Congress, treaties, admiralty law, international law, or cases between states that the substantive law to be applied in any case is the law of the state; and whether the law of the state shall be declared by its legislature in a statute or by its highest court in a decision is not a matter of federal concern. The landmark decision was not reported by the New York Times until eight days after it was released, and by the Washington Post ten days after its release.<sup>56</sup> Similarly, the 1964 ruling of Escobedo v. Illinois<sup>57</sup> "slipped by almost unnoticed when it was released along with fifteen other opinions on a Monday in June."<sup>58</sup> In Escobedo the Court held that a state's failure to inform a suspect being held in custody of his constitutional rights to remain silent and refusal to allow the accused to consult with an attorney, violated the 6th and 14th Amendment right to the assistance of counsel.

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<sup>55</sup>304 U.S. 64 (1938).

<sup>56</sup>Dalton, p. 409.

<sup>57</sup>378 U.S. 478 (1964).

<sup>58</sup>Cranberg, p. 90.

In 1956 in a South Carolina case <sup>59</sup> the press misreported that the Supreme Court had upheld a lower court decision prohibiting segregation on buses.<sup>60</sup> The decision, in its entirety, read:

No. 511. South Carolina Electric & Gas Co. v. Flemming. Appeal from the United States Court of Appeals for the Fourth Circuit. Per Curiam: The Appeal is dismissed. Slaker v. O'Conner, 278 U.S. 188 (1929).

The purpose of the terse decision was to dismiss the appeal for the procedural reason stated in the 1929 case that was cited, that being that the Supreme Court would not review a Court of Appeals decision until a final judgment or decree had been issued.<sup>61</sup> The Supreme Court had not considered the substantive issue of the case, whether Brown v. Board of Education,<sup>62</sup> which prohibited segregation in public education, applied to public transportation.

Carroll discussed three less spectacular errors made by the AP during the 1962-64 period. He described the AP's method of covering the Court as similar to using one reporter sitting in a phone booth beneath the

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<sup>59</sup> South Carolina Electric & Gas Co. v. Flemming, 351 U.S. 901 (1956).

<sup>60</sup> Brown, p. 90.

<sup>61</sup> Slaker v. O'Conner, 278 U.S. 188, 189 (1929).

<sup>62</sup> 357 U.S. 483 (1954).

stands to report the World Series.<sup>63</sup>

One other spectacular error occurred when the AP reported the opposite of what the Court had held in four decisions called the Gold Clause Cases.<sup>64</sup> The Court ruled that Congress possessed the authority to nullify the gold clauses in existing public and private contracts, and to require that such payments be made in current legal tender. The Court held that the national government was empowered to impair such contractual obligations in pursuance of its monetary power. (The exception was Perry, which required the federal government to comply with the monetary terms under which government bonds were issued). At the time, Court news stories were written based upon the oral delivery of decisions by justices in the courtroom. Soon afterward printed copies of decisions were handed out to the press as a matter of policy.<sup>65</sup>

Debate about the quality of Supreme Court reporting became intense in journalistic circles following

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<sup>63</sup>Carroll, p. 5.

<sup>64</sup>Norman v. Baltimore and Ohio Railroad Co., United States v. Bankers Trust Co., 294 U.S. 240 (1935); Nortz v. United States, 294 U.S. 317 (1935); Perry v. United States, 294 U.S. 330 (1935).

<sup>65</sup>Sobel, p. 550.

press coverage of Engle v. Vitale<sup>66</sup> when the Court declared unconstitutional the twenty-two-word prayer of the New York Board of Regents. The decision focused on a narrow fact situation: the daily recitation in public school classrooms, in unison, of an official, state-composed nondenominational prayer. However, the decision drew sharp criticism from the public, religious community, politicians, and some segments of the press like the Hearst papers, New York Daily News, Los Angeles Times and New York Mirror. And, in a highly unusual action, Supreme Court Associate Justice Tom C. Clark answered some of the flood of reaction in an address at the August 1962 convention of the American Bar Association. He said that much of the criticism came from ministerpretions of the ruling, and that the Court had not said that there could be no official recognition or God, or acknowledgment that this was a religious nation.<sup>67</sup>

Both the AP and UPI stoutly defended their coverage of the decision. Julius Frandsen, UPI Washington bureau manager, countered that Clark "evidently is confusing what news agencies have written with what certain members of

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<sup>66</sup>370 U.S. 421 (1962).

<sup>67</sup>"Reporters Disavow Prayer Ruling Haze," p. 11.

Congress and the clergy were saying."<sup>68</sup> After extensive research on reaction to the decision, Johnson commented that Clark's criticism of the press was somewhat justified:

As far as the general reader was concerned, a rather negative impression was generated through the headlines and the terse news stories. However, well-balanced and reasoned coverage was available to those who chose to read the editorial pages. It can be said in defense of the press, on the other hand, that the Court itself tended to obscure and leave unanswered certain problems found to be most perplexing to the public.<sup>69</sup>

Hachten examined the series of dispatches written by the two major wire services and concluded that although they were "ably and objectively written" that their terseness "probably contributed to misunderstanding."<sup>70</sup> He noted that 80 percent of a national sample polled by Gallup favored prayers in the public schools, and thus some violent reaction was inevitable. He said that "there seems little question but that the mechanics of handling news contributed to the reaction."<sup>71</sup> In contrast, MacKenzie, who covered the Court for the Washington Post, remarked that although the press had been blamed for much

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<sup>68</sup>Ibid.

<sup>69</sup>Johnson, p. 79.

<sup>70</sup>Hachten, p. 5.

<sup>71</sup>Ibid., p. 7.

of the adverse public reactions to decisions like Escobedo v. Illinois,<sup>72</sup> Miranda v. Arizona<sup>73</sup> and Roe v. Wade,<sup>74</sup> that such decisions<sup>75</sup> "probably were reported more accurately under the deadline pressure of decision day than they have been reported since that time."<sup>76</sup>

### Editorial Coverage

A general criticism of editorial coverage given the U.S. Supreme Court was published in 1956 by Max Freedman, correspondent for the Manchester Guardian. In the now-dated essay Freedman called the Court the "worst reported and worst judged institution in the American system of government."<sup>77</sup> Today Freedman likely would find few who would agree with his harsh judgment

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<sup>72</sup>378 U.S. 478 (1964).

<sup>73</sup>384 U.S. 436 (1966).

<sup>74</sup>410 U.S. 113 (1973).

<sup>75</sup>Escobedo and Miranda limited the activities of police when interrogating a suspect being held in custody, requiring police to issue warnings on constitutional rights and to offer the services of an attorney. Roe held it unconstitutional for states to prohibit abortions.

<sup>76</sup>MacKenzie, p. 310.

<sup>77</sup>Freedman, p. 2.

of 1956 that only two editorialists in the country had studied the Court "with sufficient scholarship and respect to have earned the right to pass judgment on so complicated an institution."<sup>78</sup>

Systematic studies of editorials have been conducted by Nagel and Erikson, Newland, and Johnson. The most statistically sophisticated of these is by Nagel and Erickson and measures the editorial response by twenty-four metropolitan dailies to four major decisions<sup>79</sup> on religion in the schools from 1947 to 1962: Everson v. Board of Education, McCollum v. Board of Education,<sup>81</sup> Zorach v. Clauson<sup>82</sup> and Engel v. Vitale.<sup>83</sup> The researchers

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<sup>78</sup>Ibid.

<sup>79</sup>All four cases concerned the Establishment Clause of the 1st Amendment, made applicable to the states by the 14th Amendment, and which prohibited the states from aiding in the establishment of religion. Everson permitted states to reimburse the parents of private school children for the use of public transportation to travel to school. McCollum held unconstitutional the use of teachers, who received no state compensation but were employed subject to the approval of the superintendent of schools, to instruct voluntary religion classes in the public schools during school hours. Zorach permitted the release of public school children during school hours for religious instruction away from school, and where no public funds were used. And Engel held unconstitutional the recitation in public schools of a state-composed, nondenominational prayer.

<sup>80</sup>330 U.S. 1 (1947).

<sup>81</sup>333 U.S. 203 (1948).

<sup>82</sup>343 U.S. 306 (1952).

<sup>83</sup>370 U.S. 421 (1962).

found that the newspapers generally favored the Court and separation of church and state, and that political variables accounted for "much more of the differences in the newspaper reactions than the religious variable."<sup>84</sup> The authors identified a positive and statistically significant relationship between the percentage of Democrats endorsed by a newspaper and an editorial reaction favoring separation of church and state. However, the correlation between the percentage of persons in a circulation area being non-Catholic and non-Episcopalian and editorials favoring separation was negative and nonsignificant.<sup>85</sup> The Nagel-Erickson study is the only one included in this literature review that goes beyond descriptive statistics and examines the association of social and political variables in the environment of the media with press coverage of the Court.

Newland and Johnson also measured the editorial coverage of the Court. Newland examined the editorial commentary in sixty-three daily newspapers on two 1962 cases: Baker v. Carr,<sup>86</sup> which was the first time that the Court held that it had jurisdiction over cases

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<sup>84</sup> Nagel and Erikson, p. 654.

<sup>85</sup> Ibid., p. 652.

<sup>86</sup> 369 U.S. 186 (1962).

involving the reapportionment of state legislatures, and Engel v. Vitale,<sup>87</sup> which declared unconstitutional the use of the nondenominational school prayer prescribed by the New York State Board of Regents. Johnson analyzed the coverage by four medium-sized dailies in central Illinois of two school-and-religion cases: Engel,<sup>88</sup> the New York school prayer case; and Abington School District v. Schempp,<sup>89</sup> which disallowed the required reading of Bible verses in public schools. Johnson noted a pronounced change in the tenor of coverage of the two school-and-religion cases. Engel, the prayer case that was released nearly two years before Schempp, the Bible reading case, received twice as many columns and editorials. For the earlier decision, 25 percent of the editorials were favorable (compared to 50 percent for the later decision,), and 45 percent were unfavorable (to 10 percent for the other decision).<sup>90</sup> Newland also identified contrasting editorial coverage in his analysis of the reapportionment (Baker) and school prayer (Engel) cases. More papers expressed an editorial opinion on

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<sup>87</sup>370 U.S. 421 (1962).

<sup>88</sup>Ibid.

<sup>89</sup>374 U.S. 203 (1963).

<sup>90</sup>Johnson, p. 83.

apportionment, and editorials and cartoons generally favored the Court on apportionment and opposed it on the prayer case.<sup>91</sup>

Three books<sup>92</sup> on desegregation in the South include studies of newspaper editorial response to Brown v. Board of Education.<sup>93</sup> The decision held that in the field of public education that racially separate but equal facilities were inherently unequal and violated the equal protection of the law guaranteed by the 14th Amendment. The most comprehensive of these works is Graham's study of the response of all 150 newspapers in the border state of Tennessee. He concluded that

the great majority of Tennessee's newspapers that did comment editorially on the Brown decision did so in a fashion that encouraged a calm and responsible--if stoic--acceptance of the new doctrine.<sup>94</sup>

There was some evidence that editorial opinion in Tennessee was more liberal than public opinion. In Knoxville one daily called Brown "just and wise"<sup>95</sup> and the other paper endorsed it "utterly without qualifications."<sup>96</sup>

<sup>91</sup>Newland, p. 30.

<sup>92</sup>Graham; Muse; Sarratt.

<sup>93</sup>347 U.S. 483 (1954).

<sup>94</sup>Graham, p. 58.

<sup>95</sup>Ibid., p. 49.

<sup>96</sup>Ibid., p. 32.

However, a survey of 167 Knoxville adults, four years later in 1958, found that 85 percent disputed the claim that Brown was the law of the land, and 72 percent objected to enrolling one or two Blacks in a previously all-white school.<sup>97</sup> The other two studies, which provide a broader but less systematic examination of the subject, stress how editorial response largely reflected regional differences in public opinion. Muse characterized editorial response in the North as "resounding applause," compared to a generally "cautious and aggrieved" response in the South.<sup>98</sup> He also distinguished between the border states like Tennessee and North Carolina, which he characterized as "generally constructive," and the Deep South.<sup>99</sup> Sarratt made the same distinction, remarking that editors in the Deep South "denounced the Supreme Court justices and their decision."<sup>100</sup>

#### Evaluation of Headlines

Johnson and Newland, as well as Grey, also evaluated headlines of Court stories. The most common complaint

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<sup>97</sup> Ibid., p. 296.

<sup>98</sup> Muse, p. 16.

<sup>99</sup> Ibid., p. 18.

<sup>100</sup> Sarratt, p. 252.

was that headlines, though not inaccurate, were misleading because of their terseness. Newland gave some of the following examples for the apportionment (Baker) and school prayer (Engel) opinions: "Urban Voters Win in Supreme Court" (San Diego Union), "Rural Conservatives to Lose Vote Power" (Omaha World-Herald), "No Praying in Schools, Court Rules" (Indianapolis News), "Prayer Ruling Gives Jolt to School Religious Rites" (Boston Globe).<sup>101</sup> Newland concluded that the headlines were "generally misleading on both opinions, though the most serious distortions were on the prayer case."<sup>102</sup> Concerning the same prayer case, Johnson concluded that the headlines were "correct as far as they go," but that they did not provide sufficient detail or qualifiers:

In no instance does the headline of this category indicate that the banned prayer was one composed by state officials and prescribed by a school board--both relevant considerations as far as the court was concerned.<sup>103</sup>

Both Johnson and Grey found that the headlines largely mirrored the character of the editorial matter. Johnson observed that editorial page heads were "with few exceptions, more restrained and less spectacular than those

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<sup>101</sup>Newland, p. 29.

<sup>102</sup>Ibid.

<sup>103</sup>Johnson, p. 75.

found heading articles on the news pages."<sup>104</sup> This resulted from the "much more balanced and complete treatment" on the editorial pages. Grey arrived at a similar conclusion in his examination of headlines in twelve newspapers about two major Supreme Court decisions that also concerned "big names": Shappard v. Maxwell<sup>105</sup> involved massive pre- and during-trial publicity and the controversial murder trial of Dr. Sam Sheppard, Estes v. State of Texas<sup>106</sup> involved the televising of the trial of Texas financier Billie Sol Estes, accused of theft, swindling and embezzlement of the federal government. Grey found that 11 of 12 headlines included Sheppard's name, and that 3 explicitly noted the fair trial issue; and that 10 headlines gave Estes' name, with 8 mentioning the television-in-the-courtroom issue. He concluded that there was a

clear tendency for the news stories stressing the issue...to produce mention of the issue in the headline and those news stories stressing the individual to leave out the issue in the headline.<sup>107</sup>

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<sup>104</sup> Ibid., p. 76.

<sup>105</sup> 384 U.S. 333 (1966).

<sup>106</sup> 381 U.S. 532 (1965).

<sup>107</sup> Grey, "Supreme Court Headlines," p. 29.

Analysis of Straight News

Johnson, Newland and Leslie have analyzed the straight news coverage of the Court decisions by newspapers. Newland, who examined coverage of the prayer (Engel) and apportionment (Baker) decisions, found that:

1. Legal issues were de-emphasized by the morning papers and some of the evening papers that reported decisions for the first time on the day after they were released. These second-day stories "virtually ignored what the Supreme Court had said, and generally even what it had decided, and reported instead on national, state and local reaction and conjecture."<sup>108</sup>

2. Day-one stories were clearly less prominent than day-two stories. "In short, the sketchy but somewhat accurate day-one stories of court action received much less space and headline prominence than day-two stories on reaction."<sup>109</sup>

3. With the prayer case, nearly all of the reaction that was reported was national, gathered by the wires; with apportionment, state and local reaction was emphasized which was written by local staff members or

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<sup>108</sup>Newland, p. 27.

<sup>109</sup>Ibid., p. 29.

regional wire personnel.<sup>110</sup>

4. A considerable amount of irresponsible and uninformed reaction was reported about the prayer decision from people who had not read the actual decision.<sup>111</sup>

5. Many more papers gave "noticeably greater space and prominence" to the prayer case, even though the apportionment case was "by far the more important."<sup>112</sup>

Newland concluded that the rapid and relatively accurate reporting of Court decisions by the wires was generally obscured in the prayer case by the "unrestrained reporting of uninformed and extreme reactions and use of misleading headlines."<sup>113</sup>

Johnson, who compared coverage by four daily newspapers of the 1962 prayer case (Engel) and 1963 Bible reading case (Schempp), concluded that coverage of the second case was much more restrained:

The headline-writers could have seized upon the negative statements of some Southern members of Congress or those of the Reverend Billy Graham or the Bishops Cushing and Spellman, but they did not do so. Qualitatively the headlines were much more restrained; quantitatively the related articles were

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<sup>110</sup> Ibid., p. 27.

<sup>111</sup> Ibid., p. 28.

<sup>112</sup> Ibid., p. 28.

<sup>113</sup> Ibid., p. 31.

fewer--fifteen in the two-week 1963 period as opposed to twenty-two in 1962.<sup>114</sup>

Concerning the role of the news media in the compliance with Engelard Schempp in the neighboring cities being studied, Johnson said that

there is not a shred of evidence suggesting that the formal legal channels were of significance in the transmission of information about the Court's policies. Yet the policy was implemented. The newspapers, radio and TV, and the magazines were the principal means by which the word filtered down to this community.<sup>115</sup>

Clearly the most comprehensive effort at measuring the press coverage of the Supreme Court is Leslie's. His study examines the question: "What could an audience which attended vigorously to available newspapers, popular journals and magazines, and television learn about the Court?"<sup>116</sup> Leslie conducted three separate analyses of media coverage of the Court. First, commercial indexes were examined for the first six months of 1973 for network television news, seven major newspapers, general periodicals, academic periodicals, and business and education journals. Second, messages were analyzed from

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<sup>114</sup> Johnson, p. 82.

<sup>115</sup> Ibid., p. 95.

<sup>116</sup> Leslie, "Supreme Court Theoretical Analysis," p. 4.

varying, but basically overlapping periods, during the 1972-1973 term of the Court in television news broadcasts, Associated Press wire service transmissions (20 weeks), a sample of geographically diverse newspapers (10 weeks), all of the indexed education journals plus the Chronicle of Higher Education, and a sample of newspapers as compiled by Editorials on File.117

And third, media coverage of two decisions was analyzed in ten randomly selected metropolitan areas, including all accessible news media of consequence. Leslie's major findings were.

...the media included in our study provide varying levels and types of coverage of the Supreme Court. Channel capacities vary. Television is clearly most constrained with respect to the amount of coverage it can provide. The wire service (AP) is least constrained. Newspapers vary widely in their typical frequencies and levels of coverage of the Court.118

...the media vary in their attentiveness to the Court's output. The volume of wire service and newspaper coverage closely parallels the volume of the Court's output. Television is less responsive, by volume measure to the Court's output ....119

Media differed with respect to their selection of decisions for coverage....subject matter, parties to the case, mode of disposition, the closeness of the vote, geographical considerations, and the roles of individual justices, all influenced coverage of specific decisions.120

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<sup>117</sup> Ibid., pp. 222-223.

<sup>118</sup> Ibid., p. 319.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid., p. 320.

The media showed distinctive tendencies to cover various aspects of the Court's agenda at different points in time relative to the Court's action.... television and the wire service provide relatively heavy portions of their coverage during pre-decision and decision points. Both channels provide relatively little post-decision coverage....newspapers show a balanced focus, providing substantial pre-decision and post-decision kinds of coverage.<sup>121</sup>

### Consumption of Court News

Two researchers have examined the consumption of Supreme Court decisions by media users. Specifically, Wasby<sup>122</sup> and Milner<sup>123</sup> surveyed the utilization of Court news by police officers. In examining the dissemination of the Court's criminal procedure decisions to policemen, Wasby theorized that the mass media would perform the primary role of initially informing police of new decisions. In his "preliminary mapping" of the communication process he portrayed the information channel from the courts to the news media as quite strong, but the channel from the media to the individual police as relatively weak.<sup>124</sup> Wasby suggested that interpersonal

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<sup>121</sup>Ibid., p. 340.

<sup>122</sup>Wasby, "Communication of Criminal Procedure;" Wasby, "Police and the Law;" Wasby, Small Town Police.

<sup>123</sup>Milner.

<sup>124</sup>Wasby, "Communication of Criminal Procedure," pp. 1100-1101.

processes, like in-service training and interaction with supervisors, would play a more important role than the mass media in the eventual dissemination. Interviews with one hundred police in rural areas of Massachusetts and Illinois largely confirmed Wasby's hypothesis. Mass media, particularly newspapers, were mentioned most often by police as the first source of information about a Court decision. But the news media received few mentions as the most effective means of communication.<sup>125</sup> Similar findings were reported by Milner who surveyed police in four medium-sized Wisconsin cities about how they learned about Miranda v. Arizona,<sup>126</sup> which restricted the methods used by police to interrogate defendants held in custody. In the two communities in which the newspapers provided the most detailed coverage of the decision, the officers named newspapers as the first source of information. However, newspapers fared better than radio and television both as "first" and "best" sources.<sup>127</sup>

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<sup>125</sup> Wasby, Small Town Police, pp. 225-226 (from final manuscript for book).

<sup>126</sup> 384 U.S. 436 (1966).

<sup>127</sup> Milner, pp. 92-96, 118-122, 142-146, 172-176.

Coverage of State Courts

Literature about press coverage of state appellate courts is considerably more limited than that about the U.S. Supreme Court. It consists of a master's thesis about the Washington Supreme Court by Hale,<sup>128</sup> and brief articles by Martin<sup>129</sup> and Berger.<sup>130</sup>

Martin and Berger pointed out, and the Hale thesis confirmed, that the state appellate courts closely resembled the U.S. Supreme Court in their avoidance of public information activity. Hale concluded that the Washington Supreme Court practiced virtually no public relations; that it released its decision to the press without explanatory material or background information.<sup>131</sup>

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<sup>128</sup>F. Dennis Hale, "The Press and a State Appellate Court: News Coverage by Six Dailies of Forty Decisions by the Washington State Supreme Court" (M.S. thesis, University of Oregon, 1973); F. Dennis Hale, "The Court's Perception of the Press," Judicature 57 (December 1973): 182-189; F. Dennis Hale, "How Reporters and Justices View Coverage of a State Appellate Court," Journalism Quarterly 52 (Spring 1975): 106-110.

<sup>129</sup>Robert A. Martin, "Giving Light to the People: Public Relations for the Courts," Judicature 57 (December 1973): 190-193.

<sup>130</sup>M. Marvin Berger, "Do the Courts Communicate?" Judicature 55 (April 1972): 318-323.

<sup>131</sup>Hale, "The Press and Appellate Courts," p. 26.

Berger, who surveyed the fifty chief justices of state supreme courts, found that only California and Illinois employed full-time public relations counselors.<sup>132</sup>

Berger and Martin strongly favored the employment of public information specialists by state appellate courts. Martin, deputy court administrator of the Alabama Department of Court Management, also urged that courts provide the news media with summaries of state appellate decisions:

The need for this type of service was made acutely evident to me the day I saw a harried reporter attempting to predigest a complicated 42-page zoning appeal for his paper's readers 15 minutes before deadline. The result of this is quite often inaccurate reporting or articles which entirely miss the focal point of the court decision.<sup>133</sup>

Martin was not concerned exclusively with improving the flow of information about court policy-making. He was concerned equally with improving the general visibility of the Alabama courts and rallying support for court reforms and such things as judicial salaries and retirement. Thus he also reported favorably on a campaign that resulted in the publication of dozens of feature stories and laudatory editorials about the Alabama courts.<sup>134</sup>

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<sup>132</sup> Berger, p. 318.

<sup>133</sup> Martin, p. 190-191.

<sup>134</sup> Ibid.

The only systematic research on the press and state appellate courts is the Hale thesis which combines news source evaluation, gatekeeper studies, and content analysis. Nine justices of the Washington State Supreme Court were questioned about press coverage of the court and interaction of judges with reporters. Also, eight wire service reporters who had covered the court were surveyed, as well as five telegraph editors on Washington daily newspapers. Lastly, a content analysis was conducted to measure how much the AP and UPI wrote, and what six dailies published, about thirty routine and ten special decisions of the Washington court. Major findings were:

1. The Washington court did not receive the quality of press attention given the U.S. Supreme Court. Not one of the wire reporters had attended law school or taken formal courses in law. For all of the reporters, the state supreme court was a small part of a much larger beat. For the vast majority of court decisions, there was no preliminary preparation by reporters; they encountered cases for the first time when the final decision of the state supreme court was filed.

2. The two wire services and six daily newspapers differed dramatically in their coverage of the court

decisions. The AP, which attempted to cover all of the court's output, reported 27 of the 30 routine decisions. UPI, which emphasized "cases of substantial public importance," reported 11 decisions.<sup>135</sup> In their coverage of the routine decisions, the six dailies ranged from 1 to 8 and averaged 4 decisions. This compared to a range of 2 to 10 and average of 6 for the 10 special decisions.<sup>136</sup>

3. The nine court justices and eight wire reporters disagreed about the quality of court coverage. All nine justices said that the court was not covered as comprehensively as other branches of state government. All except one wire reporter said that coverage of the court, particularly the decisions, was comparable or superior to coverage of other institutions of state government.<sup>137</sup>

In conclusion, although literature about the press and appellate courts is growing, it continues to exhibit some serious weaknesses. The U.S. Supreme Court continues to monopolize the attention of scholars and court observers. The lower federal appellate courts, the

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<sup>135</sup>Hale, "The Press and Appellate Courts," pp. 43,64.

<sup>136</sup>Ibid., p. 77.

<sup>137</sup>Hale, "Reporters and Justices," p. 108.

eleven circuits of the U.S. Court of Appeals, have been ignored completely by media researchers, as well as the state intermediate appellate courts. State supreme courts have received only minimal attention. Researchers have given considerable attention to the mechanics of covering the U.S. Supreme Court, and to the journalists who regularly report the Court. But analysis of the content of press coverage given a variety of U.S. Supreme Court decisions is lacking. Until the recent project by Leslie,<sup>138</sup> all research of press coverage of the Supreme Court dealt with spectacular or extraordinary decisions; there had been no systematic analysis of the news coverage given a random sample of typical decisions; and no studies had used statistics to measure how characteristics of Court decisions and the news media were associated with press coverage of the Court. Also, no study had used statistics to examine the press coverage given a relatively large sample of decisions by a major state supreme court that had considerable discretion in selecting the cases that it would review.<sup>139</sup>

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<sup>138</sup>Leslie, "Supreme Court Theoretical Analysis;"  
Leslie, "Supreme Court Content Analysis."

<sup>139</sup>The Hale thesis was limited to descriptive statistics and examined a relatively small sample of decisions. Also, at the time the study was conducted the state of Washington did not have an intermediate appellate court. The Washington Supreme Court was required to review nearly every case that was appealed to it, including quite a few that were inconsequential as far as broad public policy was concerned.

## CHAPTER IV

### METHODOLOGY

This study examines the news coverage by ten daily newspapers of 139 final decisions by the California Supreme Court for the year 1972.<sup>1</sup> Four kinds of variables were tested:

1. Coverage characteristics, including the column inches of newspaper space devoted to court decisions and the frequency that decisions were reported on the front page.

2. Policy significance, consisting of subsequent citations of the 1972 decisions in the three years after they were released, by courts and law journals.

3. Case characteristics, involving such things as whether the suit was civil or criminal, and the presence of amici curiae parties.

4. Decision characteristics, including such variables as the length of the majority opinion and the number of dissenting votes.

The purpose of the study is to measure the newspaper coverage of the court decisions and to examine the

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<sup>1</sup>See Appendix D, "Sampled California Cases, Listed Chronologically," pp. 148-154.

association of the press coverage with characteristics of the decisions. This was accomplished using a two-phased analysis. For the first phase, or descriptive phase, the average and individual performance of the newspapers was determined, and a comparison was made between the characteristics of all 139 court cases and the sample of cases that were reported by the press. For the second phase, a multivariate analysis, characteristics of the court decisions were entered into a series of regression equations to test the strength of association between these variables and the amount of newspaper coverage.

#### Selection of Decisions and Newspapers

Court cases that were selected for the study were all final decisions of the California Supreme Court in 1972 which included an explanation and which West Publishing Co. reported. Excluded from consideration were unexplained per curiam opinions and orders on the granting or denial of appeal.<sup>2</sup> The year 1972 was selected because (a) it was a period when membership on the court

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<sup>2</sup>Classification method similar to Donald D. Gregory and Stephen L. Wasby, "How to Get an Idea From Here to There: The Court and Communication Overload," Public Affairs Bulletin, Public Affairs Research Bureau, Southern Illinois University at Carbondale, 3 (November-December 1970).

was stable, (b) it allowed for the analysis of relatively fresh data, and (c) it allowed three years, 1972-1976, for the accumulation of citations to the 1972 decisions for the policy significance variables.

A pretest was conducted with ten decisions to determine if three years was sufficiently long to examine citations. Citations were analyzed for seven years, 1969-1976, for the first ten decisions released by the California court in 1969. Three factors were examined: 1. variability in the number of citations for individual decisions, 2. trend in the yearly volume of citations, and 3. changes in the frequency with which individual decisions were cited.

All three factors supported using citations from the first three years. First, citations for the first three years showed substantial variability. The ten decisions ranged from a low of 2 citations to highs of 20 and 28 citations. Second, the annual number of California citations to the ten decisions hit a peak of 41 the second year and fell to a low of 11 the seventh year. Of all citations for the first six years, 61 percent came during the first three years (108 of 178). Third, the frequency with which individual decisions were cited remained relatively stable over the years. The Pearson product-moment correlation between the number

of citations that a decision received the first three years and second three years was .82, which was statistically significant ( $p < .005$ ).<sup>3</sup> In only two of the ten cases did a decision receive more citations the second three years than the first three (one case received 2 and 4 citations, the other 20 and 22).

Newspapers were sampled according to the method developed by Maccoby, Sabghir and Cushing.<sup>4</sup> The names and weekday circulation were obtained for all English language dailies that published five days or more a week in California in 1972. The resulting 125 newspapers were arranged according to circulation size, and for every newspaper the cumulative circulation for the list was indicated. Then newspapers were selected at intervals of the cumulative daily circulation. The interval was determined by dividing the total daily circulation of the state by the sample size.<sup>5</sup>

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<sup>3</sup>Edward W. Minium, Statistical Reasoning in Psychology & Education (New York: John Wiley & Sons, 1977), p. 445.

<sup>4</sup>Nathan Maccoby, Freddie O. Sabghir, and Bryant Cushing, "A Method for the Analysis of the News Coverage of Industry," Public Opinion Quarterly 14 (Winter 1950-1951): 753-758.

<sup>5</sup>Performed according to this method, the sample either would have contained the Los Angeles Times twice or both of the Los Angeles dailies. This resulted because of the extremely large circulation size of the Los Angeles papers relative to the other dailies. To avoid an undue concentration of Los Angeles papers, one of the papers was selected randomly, and the method of selection was used on the remaining 123 dailies. Because microfilm copies could not be borrowed for three papers in the original sample, three other papers were randomly selected.

TABLE 1

CHARACTERISTICS OF SAMPLED NEWSPAPERS  
(According to 1971-72 Information)

Newspaper	Circulation	Wires	Days	Time Cycle
Los Angeles Times	981,661	both	7	morning
San Francisco Chronicle	457,275	both	7	morning
San Diego Union	162,144	both	7	morning
Fresno Bee	109,635	both	7	evening
Stockton Record	52,974	both	7	evening
Bakersfield Californian	52,186	both	7	evening
Riverside Press	34,475	both	7	evening
Eureka Times-Standard	24,937	both	7	evening
Salinas Californian	21,232	UPI	6	evening
Porterville Recorder	9,031	UPI	6	evening

Sources: 1972 Ayer Directory of Publications (Philadelphia: Ayer Press, 1972); 1972 Editor & Publisher Year Book (New York: Editor & Publisher Co., 1972).

The ten dailies that were selected exhibited considerable variability. The papers were well dispersed geographically and came from six areas. The most northern paper was 700 miles from the most southern one. The six areas of the cities of publication were (north to south): 1. Eureka, 2. San Francisco and Stockton, 3. San Jose and Salinas, 4. Fresno and Porterville, 5. Los Angeles, Bakersfield and Riverside, and 6. San Diego. Characteristics of the sample papers (see Table 1) included: eight papers subscribed to both the Associated Press and United Press International, two subscribed to UPI only; three papers were published in the morning, seven in the evening; circulation ranged from 9,031 to 981,66.

#### Definitions of Variables

The following definitions were used to code court decisions. The variables are listed as they were coded and entered on the computer data cards in Appendix A, "Variable List," pages 137-139.

Coverage characteristics, which include five dimensions (one continuous and four dichotomous vectors), described how the court decisions were covered by the newspapers:

Linage: Column inches of body type in newspaper stories devoted substantially to the substance of a court decision. This excluded headlines, bylines, sub-headlines and continuation lines. All measures were converted to a standard one-eighth page column, with twenty five characters to a line and eight lines to an inch. Coding: 00-99.

Page One: Number of newspapers that reported the decision on the first page. Coding: 00-10.

Timeliness: Number of newspapers that published a decision on the first opportunity after it was released. For evening papers this was the day of the decision; for morning papers it was the day after. Coding: 00-10.

Headlines: Number of newspapers that mentioned the decision in a headline. Coding: 00-10.

Source: Number of newspapers that used a reporting source other than the Associated Press or United Press International. Coding: 00-10.

Policy significance (six continuous variables) was measured by the number of times that a decision was cited during the three years after it was released. The authority was Shepard's Citations for the West Publishing Company's Pacific Reporter, Second Series. A citation consisted of a reference to a decision in another

court decision, or in a law journal article or American Law Reports (ALR). Only actual discussions of court decisions, not mere mentions, are referenced for law journals in Shepard's Citations. Multiple references to a decision by a later court in one decision, or an extended discussion of a case in a law article or ALR, were coded as a single citation. Also examined for citations by law journals was the table of cases in the Index to Legal Periodicals. The six citation variables were:

California Supreme Court Citations: Citations by the California Supreme Court. Coding: 00-99.

Other California Citations: Citations in California Court of Appeals decisions reprinted in the West Publishing Company's California Reporter. Coding: 00-99.

Other State Citations: Citations by intermediate appellate courts and supreme courts in the other forty-nine states and the District of Columbia. Coding: 00-99.

Federal Citations: Citations by federal courts, including the U.S. Supreme Court, circuits of the U.S. Court of Appeals, Federal District Courts and specialized federal courts. Coding: 00-99.

California Journal Citations: Citations in the twenty-five law journals published in the state of California. Coding: 00-99.

Other Law Journals: Citations in ALR and in the more than 200 law journals published in the other forty-nine states and the District of Columbia. Coding: 00-99.

Case characteristics, which consisted of seven variables and twenty-one vectors, dealt with the history and appeal of the court case:

Origin: Route traveled by the case to the state supreme court--direct from trial court, from intermediate appellate court, or an original action before the supreme court. Coding: three vectors, 0, 1.

Amici Curiae: Presence of amici curiae parties in the appeal to the state supreme court. Coding: 0, 1.

Money: Amount of money, in \$10,000s, awarded in the judgment of the original trial court. Coding: 00-99.

Basic Type: Whether the case was criminal, government civil, or other civil, with government civil defined as involving the division of powers between government units or officers, or the extent of the powers or responsibilities of government units or officers.<sup>6</sup> Coding: three vectors, 0, 1.

Subject Matter: Criminal cases were subdivided into murder, other violent crimes, the nonviolent crimes.

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<sup>6</sup> Bradley C. Canon and Dean Jaros, "External Variables, Institutional Structure and Dissent on State Supreme Courts," Polity 3 (Winter 1970): 185.

Other violent crimes took place in the presence of the victim and involved the use or threat of force or violence.<sup>7</sup> Civil cases were subdivided according to Wanner's categories: debt actions, money damage contracts, liens, personal injury and property damage torts, and miscellaneous.<sup>8</sup> (Appendix B, "Categories of Civil Cases," contains definitions of Wanner's categories. See page 96). Coding: nine vectors, 0, 1.

Parties: The number of parties to the case, excluding amici curiae participants, who were individuals, government agencies, or organizations. Coding: three vectors, 0-2.

Grouping: Total number of final, explained decisions that were filed on the day that the decision was released. Coding: 1-9.

Decision characteristics, which consisted of nine variables and nine vectors, concerned the substance of the actual court decisions:

Disagreement: Number of courts beneath it that the California Supreme Court reversed (trial and intermediate

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<sup>7</sup>Crime in the United States: Uniform Crime Reports--1968 (Washington, D.C.: U.S. Government Printing Office, 1969), p. 13.

<sup>8</sup>Craig Wanner, "Initiating Civil Cases in Urban Trial Courts," Law & Society Review 3 (Spring 1974): 422.

appellate courts). Coding: 0-2.

Trial Disagreement: Disagreement between the California Supreme Court and trial court judgment. Coding: 0, 1.

Appellate Disagreement: Disagreement between the judgment of the state supreme court and intermediate appellate court. Coding: 0, 1.

Number of Opinions: Number of separate opinions in the decision. Coding: 1-7.

Opinion Length: Length of the majority opinion in columns of type in Pacific Reporter, Second Series. Coding: 00-99.

Dissents: Number of votes to dissent entirely or in part. Coding: 0-3.

Statute Law: Number of statutory provisions mentioned in the headnotes of Pacific Reporter, Second Series. Coding: 0-9.

Constitutional Law: Number of federal and state constitutional provisions mentioned in headnotes of Pacific Reporter, Second Series. Coding: 0-9.

Pro-Initiator: Whether the supreme court favored the original plaintiff in a civil suit, or the prosecutor in a criminal suit. Coding: 0, 1.

### Descriptive Analysis

The first phase of the statistical analysis was undertaken after the characteristics of the court decisions, and the coverage of the decisions by the ten daily newspapers, were coded and entered on computer cards. (The "Coding Sheet for California Supreme Court Decisions" appears in Appendix D, pages 148-154). Unless otherwise indicated, statistical procedures used in this study come from the Statistical Package for the Social Sciences.<sup>9</sup>

The first part of the descriptive analysis measured the performance of the newspapers in reporting the court decisions. The frequency with which six coverage characteristics variables occurred was computed for the ten newspapers, and for the mean of the ten papers: 1. number of decisions reported, 2. column inches of reportage, 3. number of decisions published upon the first opportunity, 4. number of decisions mentioned in headlines, 5. number of decisions reported on the front page, and 6. number of decisions covered with non-wire service reporters.

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<sup>9</sup>Norman H. Nie, et al., Statistical Package for the Social Sciences, 2nd e. (New York: McGraw-Hill Book Co., 1975).

For each one of the sample newspapers, all editions published during the year 1972 were examined for stories on decisions of the California Supreme Court.

For the second part of the descriptive analysis the characteristics of the 139 court cases were compared with the characteristics of the universe of decisions that were reported by the ten newspapers. The purpose of this analysis was to determine which decision characteristics were over- and under-reported by the press. For example, one result might be that although criminal cases constituted 30 percent of the 1972 decisions, they represented 60 percent of the decisions mentioned by the ten daily newspapers during the year. In instances where variables were subdivided into a series of dichotomous vectors, each vector was examined separately. For this part of the analysis, continuous variables were dichotomized and assigned a value of one for the following characteristics: Money, amount of \$50,000 or more; Grouping, release of two or more decisions on one day; Disagreement, conflict between the supreme court and both lower courts; Opinions, three or more; Dissents, two or more; Opinion Length, sixteen or more columns; Statute Law, two or more statutory provisions; Constitutional Law, one or more constitutional

provisions; California Supreme Court Citations, five or more; Other California Citations, twenty or more; Other State Citations, two or more; Federal Citations, two or more; California Law Journals, two or more; Other Law Journals, one or more.

In addition, chi square tests were conducted for each of the characteristics to determine if press coverage is independent of the type of case.

#### Multivariate Analysis

This phase of the analysis consisted of a series of five multiple regression equations. Regression is a "method of analyzing the collective and separate contribution of two or more independent variables...to the variation of a dependent variable..."<sup>10</sup> The procedure determines the direction of an association, the proportion of variance in the dependent variable explained by the independent variable(s), and the level of significance (using an F-ratio).

The criterion for all five regression equations was the total column inches devoted to a court decision by the sample newspapers. Predictors for the first

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<sup>10</sup> Fred N. Kerlinger and Elazar J. Pedhazur, Multiple Regression in Behavioral Research (New York: Holt, Rinehart and Winston, 1973), p. 3.

equation were selected on the basis of literature on press coverage of appellate courts, and some general conventions of news writing. The number of dissenting votes (Dissents) was included because of Leslie's identification of a strong, negative association between the spread of the vote (number of dissents) and the reporting of U.S. Supreme Court decisions.<sup>11</sup> Leslie's findings also provided justification for the inclusion of two other variables, whether the case was criminal (Basic Type), and the number of decisions released by the court on the same day (Grouping).<sup>12</sup> The variable of Disagreement, or the number of lower courts reversed by the state supreme court, reflected the custom of the press of focusing attention on events that created conflict or modified the status quo.<sup>13</sup> The monetary amount of the trial-court judgment, the variable Money, also reflected basic news values.<sup>14</sup> The variable, Amici Curiae

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<sup>11</sup>David W. Leslie, "The Supreme Court in the Media: A Content Analysis," paper presented to the 1976 meeting of the International Communication Association, Portland, Oregon, April 14-17, 1976, p. 23.

<sup>12</sup>Ibid., pp. 11, 18, 21.

<sup>13</sup>Ralph S. Izard, Hugh M. Culbertson, and Donald A. Lambert, Fundamentals of News Reporting, 2nd ed. (Dubuque, Iowa: Kendall/Hunt Publishing Co., 1973), p. 14.

<sup>14</sup>Robert D. Murphy, Reporting of Public Problems: An Analysis of Today's Issues, (Philadelphia: Chilton Co., 1960), p. 223.

parties has been interpreted as evidence that issues of broad public policy are being considered by the court.<sup>15</sup> Two policy significance variables, California Supreme Court Citations and Other California Citations, were combined to form a new variable, California Citations. This variable was included because it was felt that it should be associated with press coverage of the court. If the press was effectively performing its watchdog function, coverage of court decisions would be positively associated with the importance (subsequent citations) of decisions.

Using the column inch criterion and seven predictor variables, eight directional hypotheses were formulated which were tested at the .05 alpha level using the SPSS regression program. The accompanying variable list, full model, restrictions and restricted models are reported in Appendix C, "Regression Models," pages 141-142. The hypotheses were:

Hypothesis 1: Seven predictors--Dissents, Disagreement, Basic Type-Criminal Case, Grouping, Amici Curiae, Money, and California Citations--acting together will account for a significant proportion of variance in the criterion.

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<sup>15</sup> Samuel Krislov, et al., Roles of the Attorney General of the United States (Washington, D.C.: American Enterprise Institute, 1968), pp. 77-80, 88-91.

Hypothesis 2: The number of dissenting votes will be positively associated with lineage and will account for a statistically significant and unique proportion of variance.

Hypothesis 3: The number of lower courts reversed by the supreme court will be positively associated with lineage and will account for a statistically significant and unique proportion of variance.

Hypothesis 4: Decisions on criminal cases will be positively associated with lineage and will account for a statistically significant and unique proportion of variance.

Hypothesis 5: The number of court decisions released on one day will be negatively associated with lineage and will account for a statistically significant and unique proportion of variance.

Hypothesis 6: Existence of amici curiae parties will be positively associated with lineage and will account for a statistically significant and unique proportion of variance.

Hypothesis 7: The monetary amount of the lower-court judgment will be positively associated with lineage and will account for a statistically significant and unique proportion of variance.

Hypothesis 8: The number of California citations will be positively associated with lineage and will account for a statistically significant and unique proportion of variance.

This first regression equation tested variables with considerable support in the literature. The next three equations tested these supported variables along with the others. Because of the lack of a theoretical basis for prediction, all of the hypotheses for the three equations were nondirectional.

The first of the three equations with nondirectional

hypotheses tested the contribution of the nine decision characteristics: Disagreement, Trial Reversal, Appellate Reversal, Opinions, Dissents, Opinion Length, Statute Law, Constitutional Law, Pro-Initiator. (Variables, models and restrictions are reported in Appendix C, pages 142-143. The ten hypotheses were:

Hypothesis 9: The nine Decision Characteristics, acting together, will account for a significant proportion of variance in lineage.

Hypothesis 10: The number of courts reversed by the supreme court will account for a statistically significant and unique proportion of variance.

Hypothesis 11: Decisions that reverse trial courts will account for a statistically significant and unique proportion of variance.

Hypothesis 12: Decisions that reverse lower appellate courts will account for a statistically significant and unique proportion of variance.

Hypothesis 13: The number of opinions included in a decision will account for a statistically significant and unique proportion of variance.

Hypothesis 14: The number of dissenting votes will account for a statistically significant and unique proportion of variance.

Hypothesis 15: The length of the majority opinion will account for a statistically significant and unique proportion of variance.

Hypothesis 16: The number of statutory provisions will account for a statistically significant and unique proportion of variance.

Hypothesis 17: The number of constitutional provisions will account for a statistically significant and unique proportion of variance.

Hypothesis 18: Decisions that favor the initiator of the suit will account for a statistically significant and unique proportion of variance.

The second of the three equations with nondirectional hypotheses tested the six policy significance variables: California Supreme Court Citations, Other California Citations, Other State Citations, Federal Citations, California Journal Citations, and Other Journal Citations. (Variables, models and restrictions are reported in Appendix C, pages 143-144. The seven hypotheses were:

Hypothesis 19: The six Policy Significance variables, acting together, will account for a significant proportion of variance in lineage.

Hypothesis 20: California Supreme Court Citations will account for a statistically significant and unique proportion of variance.

Hypothesis 21: Other California Citations will account for a statistically significant and unique proportion of variance.

Hypothesis 22: Other State Citations will account for a statistically significant and unique proportion of variance.

Hypothesis 23: Federal Citations will account for a statistically significant and unique proportion of variance.

Hypothesis 24: California Journal Citations will account for a statistically significant and unique proportion of variance.

Hypothesis 25: Other Journal Citations will account for a statistically significant and unique proportion of variance.

The last of the three equations with nondirectional hypotheses tested the seven case characteristics. For purposes of regression analysis the nine-vector Subject Matter variable was subdivided into a three-vector criminal variable and six-vector civil variable. Thus eight variables were analyzed: Origin, Amici Curiae, Money, Basic Type, Parties, Criminal Subject, Civil Subject, and Grouping. (Variables and models are reported in Appendix C, pages 144-147). The nine hypotheses were:

Hypothesis 26: The eight Case Characteristics, acting together, will account for a significant proportion of variance in lineage.

Hypotheses 27a, 27b, 27c: The Origins of cases-- trial court (H27a), appellate court (H27b) and original action (H27c)--will account for statistically significant and unique proportions of variance.

Hypothesis 28: Presence of amici curiae parties will account for a statistically significant and unique proportion of variance.

Hypothesis 29: The monetary amount of trial-court judgment will account for a statistically significant and unique proportion of variance.

Hypotheses 30a, 30b, 30c: The basic types of suits-- criminal (H30a), government civil (H30b) and organizations (H30c)--will account for statistically significant and unique proportions of variance.

Hypotheses 31a, 31b, 31c: The parties--the number that are individuals (H31a), government agencies (H31b) and organizations (H31c)--will account for statistically significant and unique proportions of variance.

Hypotheses 32a, 32b, 32c: The types of crime--murder (H32a), violent crime (H32b) or nonviolent crime (H32c)--will account for statistically significant and unique proportions of variance.

Hypotheses 33a through 33f: The types of civil actions, six categories (H33a, H33b, H33c, H33d, H33e, H33f), will account for statistically significant and unique proportions of variance.

Hypothesis 34: The number of decisions released on one day will account for a statistically significant and unique proportion of variance.

The last of the five regression equations served as a post hoc, exploratory study. The six predictor variables were selected on the bases of the three equations with nondirectional hypotheses. Variables were chosen which accounted for a large proportion of variance in the criterion and which, as much as possible, were uncorrelated with each other. These six variables were entered into a new regression equation and a nondirectional hypothesis posed (see Appendix C, page 147, for models):

Hypothesis 35: The six predictor variables will account for a statistically significant proportion of variance in lineage.

For each of the five regression equations, a table reports the variables that are being tested, multiple correlation, variance accounted for, change in variance, F value, degrees of freedom, and probability.

In summary, the methodology consisted of a descriptive phase, which analyzed the twenty-seven variables with two frequency tables and twenty-two chi square tables; and a multivariate phase, which examined

the effect of twenty-two variables on the criterion, lineage, with a series of five multiple regression equations.

## CHAPTER V

### FINDINGS

#### Characteristics of Newspaper Coverage

The ten newspapers published 277 accounts of the 139 decisions, or about 2 accounts per decision. The mean performance of the newspapers was to publish .2 accounts of every decision. Thus a California Supreme Court decision had about a one-in-five chance of being reported by a specific newspaper.

Some 55 percent (77) of the decisions were not covered by a single newspaper; 19 percent (26) received little attention, being reported by one to three newspapers; 18 percent (25) received modest attention, being covered by four to six papers; and 8 percent (11) received substantial attention, being reported by from seven to ten newspapers.

Six decisions (4 percent) were reported by all ten newspapers.<sup>1</sup> The most common characteristic for the six was the traditional news value of prominence;

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<sup>1</sup>Legislature v. Reinecke, 492 P.2d 385; People v. Anderson, 493 P.2d 880; City of Los Angeles v. Public Utilities Com'n, 497 P.2d 785; People v. Sirhan, 497 P.2d 1121; People v. Barksdale, 503 P.2d 257; Englund v. Chavez, 504 P.2d 457.

two decisions involved prominent, previously newsworthy individuals, and three involved prominent issues. The two decisions with prominent personalities were: Sirhan, which modified the judgment for convicted killer Sirhan Sirhan from the death penalty to life imprisonment, and Chavez, which allowed Cesar Chavez's United Farm Workers to picket organizations represented by the Teamsters. Three decisions concerned prominent issues: Anderson held the death penalty in violation of the cruel-or-unusual punishment provision of the state constitution; Barksdale invalidated a portion of the state abortion law; and Reinecke dealt with reapportionment of the state's legislative and congressional districts. A second common characteristic was conflict between government agencies. Reinecke involved conflict between the California Legislature, Governor Ronald Reagan, California members of the U.S. House of Representatives, and the state reapportionment commission. And Los Angeles involved conflict between that city and the California Public Utilities Commission over a \$143 million rate increase for the telephone company. A third common characteristic was that every one of the six decisions concerned highly controversial issues that had received considerable press attention prior to the involvement of the state supreme court. The issues were: reapportionment of the state's legislative and congressional

districts, abolition of the death penalty, liberalization of abortion laws, increasing telephone rates by an annual \$143 million, reducing the sentence of the convicted killer of a presidential candidate, and resolving a jurisdictional dispute between the Farm Workers and Teamsters. Press coverage of these six court decisions amounted to coverage of the most recent developments of continuing controversies.

The two metropolitan dailies in the sample, which were the largest in circulation, provided the most comprehensive coverage of the court decisions (see Table 2, page 89). The Los Angeles Times and San Francisco Chronicle reported 29 percent (41) and 33 percent (46) respectively. The next highest amount was 24 percent by the Bakersfield Californian.

The two metropolitan papers were the only ones to use their own staff reporters to cover a substantial proportion of court decisions. Of the 41 decision accounts in the Los Angeles paper, 73 percent (30) were prepared by members of the newspaper's staff; of the 46 decision accounts in the San Francisco paper, 96 percent (44) were staff written. The next highest number of such non-wire stories was 3 for the San Diego Union. The Los Angeles and San Francisco papers also surpassed all others in total column inches devoted to the decisions, each

publishing nearly twice as many inches as the third-place Bakersfield paper.

The three largest papers in circulation, which were the only morning papers in the sample, contrasted sharply with the seven evening papers in the timeliness of their court reports. Some 84 percent of decision accounts in the morning papers were printed upon the first publishing opportunity after the decision was filed, compared to 17 percent for the evening papers. This statistically significant difference ( $X^2=169$ ,  $df=1$ ,  $p<.005$ ) may have resulted more from the research coding system than from genuine differences in editing performance. To qualify as a timely report, an evening paper was required to publish a decision on the day it was filed by the court. Accounts in morning papers qualified as timely if published the following day. Evening papers may have received wire service accounts of court decisions too late in the morning to edit them for that day's paper. An alternative explanation for the untimeliness of court accounts is that they simply enjoyed a low priority with the newspaper telegraph editors, who preferred to save a court story for the next day rather than rush it into print.

The ten sample newspapers exhibited the least

**CONTINUED**

**1 OF 2**

TABLE 2

PERFORMANCE OF TEN DAILY NEWSPAPERS IN REPORTING  
1972 DECISIONS OF CALIFORNIA SUPREME COURT

(Percentages in Parentheses)

Newspapers and Circulation	Number Covered	Column Inches	Page One	Timely Report	Head-lined	Non-wire
Los Angeles, 981,661	41 (29)	567	9 (6)	31 (22)	41 (29)	30 (22)
San Francisco, 457,275	46 (33)	559	8 (6)	40 (29)	46 (33)	44 (32)
San Diego, 162,144	29 (21)	242	6 (4)	27 (19)	29 (21)	3 (2)
Fresno, 109,635	24 (17)	168	6 (4)	4 (3)	24 (17)	2 (1)
Stockton, 52,974	26 (19)	184	7 (5)	8 (6)	26 (19)	1 (1)
Bakersfield, 52,186	34 (24)	286	8 (6)	4 (3)	34 (24)	0 (0)
Riverside, 34,475	30 (22)	266	6 (4)	2 (1)	30 (22)	0 (0)
Eureka, 24,937	11 (8)	87	3 (2)	1 (1)	11 (8)	0 (0)
Salinas, 21,232	13 (9)	100	5 (4)	3 (2)	13 (9)	0 (0)
Porterville, 9,031	23 (17)	112	10 (1)	5 (4)	23 (17)	0 (0)
MEAN	28 (20)	257	7 (5)	13 (9)	28 (20)	8 (6)

variation in the number of decisions reported on the front page, which ranged from 3 to 10. The Porterville daily, which had the smallest circulation of any paper in the sample, published the most decisions on page one (N=10).

In every instance, when a decision was reported by a newspaper it was mentioned in the headline. In the 17 instances where two court decisions were reported in the same story, they were companion decisions pertaining to the same subject, and were both described in the headline.

#### Modification of Research Design

The original design of this study called for three other statistical analyses. First, characteristics of the original decisions were to be compared to characteristics of reported decisions. Second, chi squares were to compare the characteristics of reported and unreported decisions. And third, multiple regression equations were to measure the power of the variables, in groups, to predict column inches of newspaper coverage of decisions.

This design was based on the assumptions that the 139 decisions would receive varying amounts of coverage, in terms of numbers of newspapers and total column inches, and that nearly every decision would receive some press coverage. However, this assumption was not satisfied because 55 percent (77) of the 139 decisions were not

reported by any of the newspapers. The existence of such a large percentage of decisions that received no press attention made a comparison between original and reported decisions, and reported and unreported decisions (first and second analyses above), less meaningful.

As a result, these two analyses were eliminated. Instead, discriminant analysis (the same as regression analysis with a dichotomous criterion) was used to determine the difference between those decisions that received some press attention, and those that were completely ignored. The same series of thirty-five hypotheses and five regression equations used in the final statistical phase of this study to predict lineage of decision reporting, was used to predict the dichotomous criterion Reported, whether the decision was reported or ignored. This examined the differences between the 77 decisions that were completely ignored and the 62 that were reported by one to ten newspapers. The 77 ignored decisions were eliminated from the final series of regression equations predicting lineage of reporting, restricting that analysis to the 62 decisions that received some press coverage.

Minor modifications were made in the research design which was applied to both series of multivariate equations. Vectors with few cases were either eliminated or combined with other variables. This was done with

dichotomous variables with six or fewer cases and a mean of .1 or less. The only variables modified were the three criminal type and six civil type variables (see Table 25, "Basic Statistics of Variables," page 112). First, the six cases of non-murder violent crimes were combined with the thirteen murder cases for one violent crime variable. Thus criminal type was changed from a trichotomous variable to a dichotomous one of violent and nonviolent crimes. The six civil types were completely eliminated from the analysis because four types had six or fewer cases. Thus a minor methodological finding of this study was that the Wanner system for classifying civil cases, which was useful for analyzing legal actions at the original trial level, was inappropriate for classifying civil cases at the appellate level (see Appendix B. "Categories of Civil Cases," page 96).

Another minor modification was the elimination of the variable Disagreement from both the discriminant and regression analyses. This was necessary because SPSS will not handle regression predictors that are linearly dependent. Disagreement was strongly correlated with two other decision characteristics, Trial Reversal and Appeals Reversal.

Discriminant Analysis of Reported and Ignored Decisions

Five discriminant analysis equations tested thirty-five hypotheses which measured the ability of various characteristics to predict if a decision was reported or ignored by the newspapers.

Hypothesis 1, which measured the contribution of seven predictors with some support in the literature, was supported and accounted for .207 of variance (see Table 3).

Table 3

CONTRIBUTION OF HYPOTHESIZED PREDICTORS TO  
REPORTED IN DISCRIMINANT ANALYSIS

(Hypotheses 1 through 8)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Calcites (H-3)	.370	.137	.137	23.130	1,137	.001
Amici (H-6)	.396	.157	.020	2.927	1,137	n.s.
Money (H-7)	.420	.176	.019	2.973	1,137	n.s.
Criminal (H-4)	.423	.179	.003	.279	1,137	n.s.
Grouping (H-5)	.436	.190	.011	1.430	1,137	n.s.
Disagreement (H-3)	.455	.207	.017	2.775	1,137	n.s.
Dissents (H-2)	.455	.207	.000	.013	1,137	n.s.
All Predictors (H-1)	.455	.207	.207	4.880	7,131	.001

Hypothesis 8 also was supported because the variable, California Citations, contributed significantly to the equation and was associated with the criterion in the hypothesized, positive direction. The variable, which represented California Supreme Court citations combined with other California appellate court citations, contributed two-thirds of the variance-accounted-for. (Table 17, page 160, reports the correlation matrix for the equation.) The variables Dissents, Disagreement, Grouping, Criminal, Money and Amici did not contribute significantly to the equation; thus Hypotheses 2, 3, 4, 5, 6, and 7 were rejected, and Hypotheses 1 and 8 were supported.

Hypothesis 9, which tested the nine decision characteristics together, was confirmed and accounted for .212 of the variance (see Table 4). Two of the nine variables contributed significantly to the equation, supporting Hypotheses 17 and 18: number of constitutional provisions, and whether the court decision favored the initiator of the suit. The variable, Pro-Initiator, which contributed nearly half of the variance-accounted-for, was correlated .305 with the criterion. (Table 18, page 161, is the correlation matrix for the equation variables.) Six variables--Trial Reversal, Appeals Reversal, Opinions, Dissents, Opinion Length, and Statute Law--did not contribute significantly to the criterion. Thus Hypotheses 11, 12,

TABLE 4

CONTRIBUTION OF DECISION CHARACTERISTICS TO  
REPORTED IN DISCRIMINANT ANALYSIS

(Hypothesis 9 through 18)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Rev. Trial (H-11)	.094	.009	.009	3.027	1,137	n.s.
Rev. Appeals (H-12)	.110	.012	.003	.646	1,137	n.s.
Opinions (H-13)	.125	.016	.003	.241	1,137	n.s.
Dissents (H-14)	.151	.023	.007	.006	1,137	n.s.
Opinion Length (H-15)	.294	.087	.064	1.522	1,137	n.s.
Statute Law (H-16)	.310	.096	.009	1,499	1,137	n.s.
Const. Law (H-17)	.333	.111	.015	5.051	1,137	.05.
Pro-Initiator (H-18)	.460	.212	.101	16.649	1,137	.001
All Predictors (H-9)	.460	.212	.212	4.362	8,130	.001

13, 14, 15 and 16 were rejected; and Hypotheses 9, 17 and 18 were confirmed. (Hypothesis 10, Disagreement, was deleted from analysis.)

Hypothesis 19, which tested the six policy significance variables, was confirmed and accounted for .191 of variance. The only significant predictor was California Supreme Court citations, which contributed four-fifths

of the variance-accounted-for. Thus Hypotheses 19 and 20 were confirmed; and Hypotheses 21, 22, 23, 24 and 25 rejected. (Table 20, page 163, reports the correlation matrix for the equation. Table 5 summarizes the equation.)

TABLE 5  
CONTRIBUTION OF POLICY SIGNIFICANCE VARIABLES  
TO REPORTED IN DISCRIMINANT ANALYSIS

(Hypotheses 19 through 25)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Supreme Court (H-20)	.391	.153	.153	8.382	1,137	.005
Other Calif. (H-21)	.397	.158	.005	1.229	1,137	n.s.
State Courts (H-22)	.399	.159	.001	3.301	1,137	n.s.
Federal Courts (H-23)	.411	.169	.010	1.558	1,137	n.s.
Calif. Journals (H-24)	.414	.172	.003	.037	1,137	n.s.
Other Journals (H-25)	.437	.191	.020	3.199	1,137	n.s.
All Predictors (H-19)	.437	.191	.191	5.207	6,132	.001

The case characteristics did not significantly contribute to the equation, either together or individually (Table 6), resulting in the rejection of Hypotheses 26, 27b, 27c, 28, 29, 30b, 30c, 31a, 31b, 31c, 32a, 32b, and 34. (Hypotheses 27a, 30a and 33 were eliminated from the

TABLE 6

CONTRIBUTION OF CASE CHARACTERISTICS  
TO REPORTED IN DISCRIMINANT ANALYSIS

(Hypotheses 26 through 34)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Original (H-27c)	.162	.026	.026	1.469	1,137	n.s.
From Appeals (H-27b)	.165	.027	.001	.017	1,137	n.s.
Other Civil (H-30c)	.217	.047	.020	.086	1,137	n.s.
Gov. Civil (H-30b)	.218	.047	.000	.314	1,137	n.s.
Ind. Parties (H-31a)	.227	.052	.004	.487	1,137	n.s.
Org. Parties (H-31c)	.231	.053	.002	.289	1,137	n.s.
Amici (H-28)	.288	.093	.030	3.206	1,137	n.s.
Money (H-29)	.298	.089	.006	.750	1,137	n.s.
Nonvnt. Crime (H-32a)	.305	.093	.004	.357	1,137	n.s.
Violent Crime (H-32b)	.305	.083	.000	.070	1,137	n.s.
Grouping (H-34)	.321	.103	.010	1.406	1,137	n.s.
Gov. Parties (H-31b)	.321	.103	.000	.036	1,137	n.s.
All Predictors (H-26)	.321	.103	.103	1.209	12,126	n.s.

analysis:.) Table 19, page 162, reports the correlation matrix for the equation.

For Hypothesis 35 the six most effective predictors

from the three discriminant analyses for case characteristics, decision characteristics, and policy significance characteristics (Hypotheses 9, 19 and 26) were combined in one equation. Variables were selected that accounted for statistically significant amounts of variance in the criterion, or that accounted for large changes of variance in the discriminant equations. Selected were: three decision characteristics from Hypotheses 9-18, Constitutional Law (variance=.015,  $p < .05$ ), Pro-Initiator (variance=.101,  $p < .001$ ), Opinion Length (variance=.064,  $p = n.s.$ ); one policy significance characteristic from Hypotheses 19-25, California Supreme Court (variance=.153,  $p < .005$ ); and two case characteristics from Hypotheses 26-34, Original (variance=.026,  $p = n.s.$ ), Amici (variance=.030,  $p = n.s.$ ).

The resulting equation (see Table 7) accounted for .283 of variance, supporting Hypothesis 35. This was more total variance than any of the four previous discriminant analysis equations. Two variables, both positively associated with the criterion, contributed significantly to the equation: Pro-Initiator and California Supreme Court. (Table 14, page 113, reports the correlation matrix for the equation.)

TABLE 7  
 CONTRIBUTION OF SIX PREDICTORS TO REPORTED  
 IN DISCRIMINANT ANALYSIS

(Hypothesis 35)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Original Action	.162	.026	.026	1.615	1,137	n.s.
Amici	.226	.051	.025	3.090	1,137	n.s.
Opinion Length	.316	.100	.049	.730	1,137	n.s.
Const. Law	.339	.115	.015	.170	1,137	n.s.
Pro-Initiator	.456	.208	.093	15.117	1,137	.001
Supreme Court	.532	.283	.075	13.822	1,137	.001
All Predictors	.532	.283	.283	8.692	6,132	.001

Regression Equations for Linage

Five multiple regression equations tested thirty-five hypotheses which measured the ability of various characteristics to predict the combined column inches of coverage that a decision received in the ten newspapers. Excluded from this analysis were the 77 decisions that received no press coverage, resulting in an N of 62.

Hypothesis 1, which measured the contribution of seven predictors with some support in the literature,

was supported and accounted for .263 of variance (see Table 8). Hypothesis 8 also was supported because the variable, California Citations, contributed significantly to the equation and was associated with the criterion in the hypothesized, positive direction. The variable contributed two-thirds of the variance-accounted-for. The six other predictors--Amici, Money, Criminal, Grouping, Disagreement, and Dissents--did not contribute significantly to the equation; thus Hypotheses 2, 3, 4, 5, 6 and 7 were rejected. (Table 22, page 165, has the correlation matrix for the equation.)

Hypothesis 9, which tested the nine decision characteristics together, was confirmed and accounted for .311 of variance (see Table 9). Only one of the nine predictors contributed significantly to the equation, number of constitutional provisions, supporting Hypothesis 17. The variable Constitutional Law contributed nearly half of the variance-accounted-for and was correlated .483 with the criterion. (Table 23, page 166, has the correlation matrix for the equation.) Seven predictors--Reverse Trial, Reverse Appeals, Opinions, Dissents, Opinion Length, Statute Law, and Pro-Initiator--did not contribute significantly to the equation; thus Hypotheses 11, 12, 13, 14, 15, 16 and 18 were rejected.

TABLE 8

CONTRIBUTION OF HYPOTHESIZED PREDICTORS TO LINAGE  
IN MULTIPLE REGRESSION EQUATION

(Hypotheses 1 through 8)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Calcites (H-8)	.418	.175	.175	10.943	1,60	.005
Amici (H-6)	.445	.198	.023	1.232	1,60	n.s.
Money (H-7)	.487	.238	.039	3.153	1,60	n.s.
Criminal (H-4)	.488	.238	.000	.050	1,60	n.s.
Grouping (H-5)	.506	.256	.018	1.089	1,60	n.s.
Disagreement (H-3)	.507	.257	.001	.170	1,60	n.s.
Dissents (H-2)	.513	.263	.006	.441	1,60	n.s.
All Predictors (H-1)	.513	.263	.263	2.751	7,54	.025

Hypothesis 19, which tested the six policy significance variables, was confirmed and accounted for .511 of variance. Significant predictors were other state court citations, California journals, and other journals, confirming Hypotheses 22, 24 and 25 (See Table 10). One of the three significant predictors, other journals, was negatively associated with the criterion. (Table 21, page 164, reports the correlation matrix for the equation.) Supreme

TABLE 9

CONTRIBUTION OF DECISION CHARACTERISTICS TO LINAGE  
IN MULTIPLE REGRESSION EQUATION

(Hypotheses 9 through 18)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Rev. Trial (H-11)	.079	.006	.006	.385	1,60	n.s.
Rev. Appeals (H-12)	.082	.007	.000	.002	1,60	n.s.
Opinions (H-13)	.253	.064	.057	.448	1,60	n.s.
Dissents (H-14)	.280	.078	.015	.004	1,60	n.s.
Opinion Length (H-15)	.396	.156	.078	.718	1,60	n.s.
Statute Law (H-16)	.402	.161	.005	.081	1,60	n.s.
Const. Law (H-17)	.553	.305	.144	9.661	1,60	.005
Pro-Initiator (H-18)	.558	.311	.006	.451	1,60	n.s.
All Predictors (H-9)	.558	.311	.311	2.993	8,53	.01

Court, Other California Citations, and Federal Courts did not contribute significantly to the equation; thus Hypotheses 20, 21 and 23 were rejected.

The case characteristics did not significantly contribute to the regression equation either individually or combined. Thus the origin of the suit, basic type, parties, amici curiae involvement, money judgment, grouping

TABLE 10

CONTRIBUTION OF POLICY SIGNIFICANCE VARIABLES  
TO LINAGE IN MULTIPLE REGRESSION EQUATION

(Hypotheses 19 through 25)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Supreme Court (H-20)	.519	.270	.270	1.723	1,60	n.s.
Other Calif. (H-21)	.512	.271	.002	2.439	1,60	n.s.
State Courts (H-22)	.575	.331	.060	5.085	1,60	.05
Federal Courts (H-23)	.624	.390	.059	3.432	1,60	n.s.
Calif. Journals (H-24)	.645	.416	.026	5.782	1,60	.025
Other Journals (H-25)	.715	.511	.095	10.628	1,60	.005
All Predictors (H-19)	.715	.511	.511	9.536	6,55	.001

and crime type did not significantly predict column inches of press coverage of decisions; and Hypotheses 26, 27b, 27c, 28, 29, 30b, 30c, 31a, 31b, 31c, 32a, 32b, and 34 were rejected. Hypotheses 27a, 30a, and 33 (six civil sub-categories) earlier were deleted from the analysis. (Table 11 has the regression results; Table 24, page 167, reports the correlation matrix for the equation.)

For Hypothesis 35 the six most effective predictors from the three regression equations for case characteristics,

TABLE 11  
 CONTRIBUTION OF CASE CHARACTERISTICS TO LINAGE  
 IN MULTIPLE REGRESSION EQUATION

(Hypotheses 26 through 34)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
From Appeals (H-27b)	.083	.007	.007	.172	1,60	n.s.
Original (H-27c)	.097	.009	.002	.754	1,60	n.s.
Other Civil (H-30c)	.196	.039	.029	.970	1,60	n.s.
Criminal (H-30a)	.212	.045	.006	.014	1,60	n.s.
Ind. Parties (H31-a)	.346	.120	.076	1.073	1,60	n.s.
Gov. Parties (H31b)	.362	.131	.012	.006	1,60	n.s.
Org. Parties (H-31c)	.363	.132	.000	.206	1,60	n.s.
Amici (H-28)	.424	.180	.048	2.344	1,60	n.s.
Money (H-29)	.427	.182	.002	.142	1,60	n.s.
Nonvlt. Crime (H-32a)	.428	.183	.001	.484	1,60	n.s.
Violent Crime (H-32a)	.436	.190	.007	.691	1,60	n.s.
Grouping (H-34)	.483	.233	.043	2.764	1,60	n.s.
All Predictors (H-26)	.483	.233	.233	1.240	12,49	n.s.

decision characteristics, and policy significance characteristics (Hypotheses 9, 19 and 26) were combined in one equation. Variables were selected that accounted for

statistically significant amounts of variance in the criterion, or that accounted for large changes in variance in the regression equations. Selected were: two decision characteristics from Hypotheses 9-18, Constitutional Law (variance=.144,  $p < .005$ ) and Opinion Length (Variance=.078,  $p = n.s.$ ); three policy significance characteristics from Hypotheses 19-25, State Courts (variance=.060,  $p < .05$ ), California Journals (variance=.026,  $p < .025$ ) and Other Journals (variance=.095,  $p < .005$ ); and one case characteristic from Hypotheses 26-34, Amici (variance=.048,  $p = n.s.$ ).

The resulting equation (see Table 12) accounted for .514 of variance, supporting Hypothesis 35. This was more total variance than any of the four previous multiple regression equations. Two predictors, State Courts and Other Journals, contributed significantly to the equation. Other Journals was the only predictor that was negatively associated with the criterion. (Table 16, page 86, reports the correlation matrix for the equation.)

The variable, Other Journals, was disregarded as a meaningful predictor even though it accounted for statistically significant amounts of variance in the policy significance equation (Hypothesis 25 with Linage) and the final regression equation (Hypotheses 35). In both equations the variable had a zero order correlation of  $-.039$

TABLE 12

CONTRIBUTION OF SIX PREDICTORS TO LINAGE  
IN MULTIPLE REGRESSION EQUATION

(Hypothesis 35)

Variable Source	Multiple Correlation	Variance Accounted For	Change in Variance	F	df	P less than
Amici	.149	.022	.022	.582	1,60	n.s.
Opinion Length	.387	.150	.128	2.458	1,60	n.s.
Const. Law	.544	.296	.147	3.678	1,60	n.s.
State Court	.622	.387	.091	11.969	1,60	.005
Calif. Journals	.636	.405	.017	2.709	1,60	n.s.
Other Journals	.717	.514	.110	12.396	1,60	.001
All Predictors	.717	.514	.514	9.699	6,55	.001

with the criterion, which was not significant. It appeared to be a classic example in multiple regression of a suppressor variable. It (1) was significantly correlated with other predictors in the equation, (2) was not significantly correlated with the criterion, and (3) had a negative correlation with the criterion and a negative beta weight, when other beta weights and correlations were positive.<sup>2</sup>

<sup>2</sup>Richard B. Darlington, "Multiple Regression in Psychological Research and Practice," Psychological Bulletin 69 (March 1968): 163-165.

## CHAPTER VI

### SUMMARY AND DISCUSSION

The purposes of this study were, first, to measure systematically the press coverage of one year's decisions of a state supreme court and, second, to determine characteristics of the decisions and court cases that were associated with press attention. This information on the quantity and quality of coverage of court decisions was used to examine the performance of the press as a watchdog of consequential actions of government.

The first purpose was accomplished by measuring the coverage in ten randomly selected daily newspapers of 139 decisions of the California Supreme Court in 1972. For every decision and each sample newspaper six coverage characteristics were recorded: reporting of the decision, standardized column inches devoted to the decision, timeliness of reporting (publication of the decision within a day of its filing by the court), mention of the decision in a headline, front page coverage, and reportage by staff member of newspaper.

The second purpose was accomplished by measuring the characteristics of the 139 court decisions and entering them as predictors into a series of discriminant analysis equations and a series of multiple regression equations.

With both the discriminant and regression analysis, thirty-five hypotheses were tested using a series of five equations. The first equation tested seven predictors with support in the literature; the second, decision characteristics; third, policy significance characteristics; fourth, case characteristics; and fifth, the six best predictors. For the discriminant analysis the criterion variable was whether the decision had been reported by none or some of the newspapers. The regression analysis focused only on decisions that received some press coverage and used the criterion, total column inches of newspaper reportage.

Case characteristics consisted of seven dimensions and fourteen vectors: 1. Origin, whether the case originated from trial court, from the California Court of Appeals, or was an original action before the state supreme court; 2. Amici, presence of amici curiae parties; 3. Money, monetary amount of trial court judgment; 4. Basic Type, whether case a criminal matter, government civil matter, or other civil matter; 5. Party Type, number of individuals, government agencies and organizations as parties; 6. Grouping, number of decisions filed on the day a decision was released; 7. Subject Matter, for crime cases, whether a violent or nonviolent crime. (This Subject Matter variable has been modified. Because of the small N-size of resultant categories, one crime category was merged with another, and six civil categories

were eliminated from the analysis.)

Decision characteristics consisted of nine dimensions with nine vectors: 1. Disagreement, number of lower courts reversed by state supreme court; 2. Reverse Trial, whether trial court reversed; 3. Reverse Appeals, whether Court of Appeals reversed; 4. Opinions, number of opinions included with decision; 5. Dissents, number of dissenting votes; 6. Opinion Length, length of majority opinion; 7. Statute Law, number of statutory provisions mentioned in headnotes; 8. Constitutional Law, number of constitutional provisions mentioned in headnotes; 9. Pro-Initiator, whether decision favored the initiator of the suit.

Policy significance characteristics consisted of six dimensions with six vectors, each indicating the number of times that the state supreme court decision was cited by a legal authority during the three years after it was filed: 1. California Supreme Court, citations by that court; 2. Other California, from the California Court of Appeals; 3. State Court, from other state appellate courts; 4. Federal Cites, from federal courts; 5. California Journals, from law journals in that state; 6. Other Journals, from out-of-state journals and ALR.

The major justification for the study was the watchdog role of the press, which makes it a major re-

sponsibility of the press to provide surveillance of consequential agencies of government, like appellate courts. Other justifications were: dissatisfaction by some persons in the law and journalism with press coverage of the law and courts; the basic complexity of the courts and law as news beats; evidence of variability in press coverage of appellate courts; and the need for data on the dissemination of appellate decisions as part of impact analysis and the study of compliance with such decisions.

The study constituted the first systematic study of press coverage of an entire year of decisions of a state supreme court, and the first attempt to correlate case and decision characteristics with such coverage. It also marked the first effort to determine the association of an objective measure of legal significance, such as the policy significance citation variables, with press coverage. Some of the same measures of newspaper coverage, such as timeliness, were used in Leslie's study of U.S. Supreme Court decisions.<sup>1</sup> And Leslie also examined two of the variables used here, Dissents and

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<sup>1</sup>David W. Leslie, "The Supreme Court in the Media: A Content Analysis," paper presented to the 1976 meeting of the International Communication Association, Portland, Oregon, April 14-17, 1976.

Grouping, in his analysis of press coverage of the Supreme Court. However, most of the variables in this study, although previously used by political scientists in research on the courts, here were used for the first time as predictors of press attention to court decisions.

### Major Findings

The ten newspapers published 277 accounts of the 139 decisions, which amounted to a mean performance of 27.7 (or 20 percent) of the decisions. Some 55 percent of the decisions were ignored by all ten papers, 37 percent were covered by one to six papers, and 8 percent covered by seven or more papers. The mean performance of the newspapers was to report 20 percent of the decisions, with 5 percent on page one, 9 percent as timely reports, and 6 percent using the newspaper's own reporters.

The two metropolitan newspapers, the Los Angeles Times and San Francisco Chronicle, provided the most comprehensive coverage, reporting 29 and 33 percent respectively of the decisions, and publishing nearly twice as many column inches of stories as the third-place newspaper. The two papers also were the only ones to print a substantial number of decision stories written by their own reporters. The two papers and the San Diego Union, all morning papers, published a much higher percentage of

timely reports than the seven other dailies, all evening papers. This difference may have been an artifact of the coding system.

In every instance in which a decision was reported, it was mentioned in the headline: in other words, decisions were not buried in stories that featured another decision.

A series of five discriminant analysis equations tested the differences between the 77 decisions completely ignored by the ten newspapers and the 62 that received varying amounts of coverage. Table 13, which summarizes the five equations, indicates that the case characteristics were the weakest, and decision characteristics the strongest, of the predictors. Three of the 27 vectors proved to be significant predictors, all positively associated with the criterion: California Supreme Court citations, number of constitutional provisions, and whether decision favored the initiator of the suit. These three significant predictors, as well as three others that accounted for large amounts of variance, were entered into a final discriminant equation (Hypothesis 35). The equation surpassed the other four in variance-accounted for. The two significant predictors were California Supreme Court citations, and Pro-Initiator. (Table 14 shows the correlation matrix for the final equation.)

A second series of five equations used multiple



regression to determine the association between the 27 predictors and the column inches of coverage given the 62 reported decisions by the ten newspapers. As with the previous series of discriminant equations, case characteristics proved to be the weakest group of predictors. However, unlike the discriminant analysis, policy significance variables proved to be the strongest group of predictors (see Table 15). Four of the 27 vectors were significant predictors of lineage when entered into the multiple regression equations: Constitutional provisions, other state court citations, California journal citations, and other journal citations. These four variables, as well as two others that contributed large amounts of variance, were entered into a final regression equation (Hypothesis 35). That equation accounted for more variance than any of the previous four. Two of the final six predictors were significant: other state court citations and other journal citations. Table 16, the correlation matrix for the final equation, indicates that the variable Other Journal was the only one of the six that was negatively associated with the criterion. Other Journals was disregarded as a meaningful predictor because its correlation with the criterion was not statistically significant, and it exhibited the characteristics of a



suppressor variable.

### Discussion

An analysis of the comprehensiveness of court coverage must begin with the premise that most decisions of the California Supreme Court involved important legal rulings. The court possessed the power to review only cases that it considered significant. Blume noted that the court was "almost completely free to choose the appeals it wanted to hear,"<sup>2</sup> and Goodman and Seaton observed that the court had "almost complete power to regulate its calendar."<sup>3</sup> The selectivity of the court is illustrated by the fact that during its 1971-72 term the court accepted for review only 230 of the 2,417 cases appealed to it.<sup>4</sup>

From this perspective, the mean performance of the ten newspapers of reporting 20 percent of the court's

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<sup>2</sup>William Wirt Blume, "California Courts in Historical Perspective," Hastings Law Review 22 (November 1970): 191.

<sup>3</sup>William M. Goodman and Thom Greenfield Seaton, "Forward: Ripe for Decision, Internal Workings and Current Concerns of the California Supreme Court," California Law Review 62 (March 1974): 314.

<sup>4</sup>Stanley Mosk, "The Supreme Court of California 1973-74," California Law Review 63 (January 1975): 3.

decisions seems to fall short of the requirements of the watchdog role. The considerable variation among papers (one reported 33 percent, another 8 percent) also contradicted the watchdog function. If a decision was important for San Francisco, it also should have been important for Salinas. This variation among newspapers was similar to what Leslie found in his study of metropolitan newspaper coverage of the U.S. Supreme Court.<sup>5</sup> The fact that 74 percent of the California decisions were reported by three or fewer newspapers also contradicts the watchdog concept. Thus in quantity of reporting the newspapers are open to criticism.

A major function of the press is to provide surveillance of the changing environment so that people can base their daily decisions on accurate information. In the case of the California Supreme Court, the public largely is denied information about a major policy-maker in the state. This would seem even more serious with a judicial policy-maker because the general public has little access to that branch of government as compared to the executive and legislative branches. It is surprising that none of the metropolitan newspapers attempted to provide

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<sup>5</sup>David W. Leslie, et al., "The Supreme Court in the Media: A Theoretical and Empirical Analysis," report to the National Science Foundation, Law and Social Sciences Research Program, April 20, 1976.

comprehensive coverage of the state supreme court's output by publishing at least a short paragraph about every final decision.

Another finding was that 71 percent of the court accounts were written by the wire services. With the exception of the two major papers, virtually all accounts were wire stories. The Los Angeles paper used its own reporters for 73 percent of its court accounts because it maintained a full-time news bureau in San Francisco, where the California Supreme Court had its headquarters. The location of the court also may have contributed to the fact that 96 percent of court accounts in the San Francisco paper were staff written. However, the location of the court outside the state capital in Sacramento may have prevented individualized coverage by other newspapers that could afford correspondents in the state capital, but not in San Francisco.

One unanticipated finding was the complete absence of stories that combined unrelated decisions. In every instance in which a decision was reported, it was mentioned in the headline. When more than one decision was included in one story, the decisions were companion cases on the same subject or legal point. This was true of newspapers that relied on their own reporters, as well as those that relied on the wire services. This pattern of coverage contrasted with coverage that the author has observed of

the U.S. Supreme Court, where one court decision is featured in the headline and lead, and other decisions are summarily listed at the end of the newspaper account.

One weakness in coverage was the untimeliness of accounts in the seven evening papers; only 17 percent of the time was a decision account published by an evening paper upon the first opportunity after its filing. This was significantly different from the 84 percent performance for the three morning papers ( $X^2=169$ ,  $df=1$ ,  $p<.005$ ). This occurred even though the public information attorney for the court, Patrick Clark, attempted to release decisions in the morning before 10 a.m. so that all media could use them that day.<sup>6</sup> What probably occurred was that the court decisions were not put on the wire until 11 a.m. when the evening dailies were approaching deadlines. And the telegraph editors at the dailies did not perceive the court decisions as critical enough to rush through for that day's paper.

It originally was suspected that the press would emphasize decisions involving conflict. However, there was not one instance with either the discriminant analysis or regression in which a variable concerning crime--

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<sup>6</sup>Telephone interview with Patrick J. Clark, State Building, San Francisco, California, May 19, 1976.

Criminal, Violent Crime, or Nonviolent Crime--was a significant predictor or accounted for as much as .01 of total variance. Similarly, none of the three indicators of conflict between the California Supreme Court and lower courts--Disagreement, Reverse Trial, and Reverse Appeals--was a significant predictor of either criterion. Also, neither indicator of internal court conflict--number of dissents and separate opinions--contributed significantly to either criterion variable. This conflicted with Leslie, who reported that dissents were more strongly correlated with the reporting of U.S. Supreme Court decisions than any other variable.<sup>7</sup> Leslie's findings may have resulted more from the fragmented nature of the Burger Court, which he analyzed, than from actual emphasis by the press on split decisions. There may have been a tendency for the Burger Court to split on the most important policy questions--the same kinds of questions that polarized the greater society and attracted press attention. Thus when the press emphasized major policy decisions, it also emphasized decisions with dissents. The California Supreme Court of 1972 may not have been as fragmented as the Burger Court; thus the same kind of press emphasis on dissents was not evident.

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<sup>7</sup>Leslie, "Theoretical Analysis, " p. 256.

Some caution is in order concerning the apparent lack of press emphasis on conflict. The variables in this study represent only a very limited number of conflict situations--specifically violent crimes, the intra-court conflict reflected in dissents and multiple opinions, and the inter-court conflict that results from the reversal of lower courts. As was pointed out earlier, conflict between governmental agencies was one of the characteristics shared by two of the decisions that were reported by all ten newspapers. Conflict may have played a major part in determining which of these court decisions were reported; forms of conflict may have been involved that were not represented by the variables that were used here.

An unhypothesized factor that was significantly associated with court coverage, and with the information processing capacity of the newspapers, was the size of the newspapers measured in circulation. This variable was completely unrelated to traditional newsworthiness or legal importance of the court decisions. The association between circulation and coverage was not hypothesized because of the small size of the newspaper sample (N=10). However, when the Pearson product-moment correlation was determined for circulation with measures of coverage, and t-test values computed, significant and positive correla-

tions resulted. (Table 2, page 89, reports the circulation and court coverage for the ten sample newspapers.) Circulation was significantly correlated with four measures of court coverage: number of decisions covered, .68 (t value=2.615, df=8,  $p < .025$ ); column inches of decision coverage, .86 (t value=4.767, df=8,  $p < .005$ ); number of nonwire decision accounts, .81 (t value=3.903, df=8,  $p < .005$ ). The other measure of court coverage, number of decisions reported on page one, had the weakest correlation with circulation size, a nonsignificant .43 (t value=1.345, df=8,  $p = n.s.$ ). The .68 correlation between circulation and number of decisions reported represented a sizeable amount of variance, or .46. If the magnitude of this relationship were to hold up for a bigger sample of newspapers, the variable of circulation size might account for a large proportion of variance in excess of that accounted for by policy significance variables. This would be more likely to occur if circulation size and policy significance variables proved to be uncorrelated.

An important finding was that some characteristics that likely would accompany policy-making by the court were significant predictors of the two criterion variables. Constitutional Law, California citations, California Supreme Court citations and Pro-Initiator were positively associated with Reported and significant predictors; and

Constitutional Law, California citations, other state court citations, and California journal citations were positively associated with Linage and were significant predictors. (Other Journals was disregarded as a meaningful predictor because it did not have a significant zero order correlation with the criterion, and had the characteristics of a suppressor variable.) Thus, in the 20 percent of the instances when the newspapers did report a decision, the press focused on decisions that made important law--that involved constitutional provisions and that subsequently were cited by the California Supreme Court, other state appellate courts, and California law journals.

The major shortcoming of this study was its failure to account for significant variance above and beyond that accounted by the policy significance variables. With the exception of the variables, Constitutional Law and Pro-Initiator, case and decision characteristics were not significant predictors of either Reported or Linage.

It is not clear why Pro-Initiator should be a significant predictor of press attention. What is more likely is that it is strongly associated with policy significance, which is associated with press attention. With civil and government civil suits it seems logical

that the court would expand the law and make significant new policies while upholding the initiator of the suit. In a civil suit, the original plaintiff might urge the expansion of legal definitions to apply to his situation; and in government civil suits the initiator might be a party seeking an injunction and urging the expansion of a legal doctrine, or a criminal making a habeas corpus appeal. The one category of cases where Pro-Initiator would not seem to be associated with policy significance is criminal cases. A liberal-activist court like the California Supreme Court would more likely make new law in criminal cases by favoring the defendant, as opposed to the prosecutor-initiator.

Constitutional Law was the only one of the decision and case characteristics that significantly predicted both criteria, Reported and Linage. Variables that did not make a difference were: Reverse Trial, Reverse Appeals, Disagreement, Opinions, Dissents, Opinion Length, Statute Law, Original Action, From Appeals, From Trial, Criminal, Other Civil, Government Civil, Government Parties, Individual Parties, Organization Parties, Amici, Money, Violent Crime, Nonviolent Crime, Grouping.

So far as this set of case and decision characteristics is concerned, there is no pattern to the reporting

of California Supreme Court decisions. It resembles random behavior. A priori factors, those case and decision characteristics that were evident to the press prior to the reporting of the decisions, contributed very little to explaining the behavior of the press. Thus the reporting of California Supreme Court decisions is an arbitrary or random activity. Or, such reporting may be influenced by case and decision variables that were not included in this study. Another possible explanation is that the characteristics of the news event, or court decisions, are largely irrelevant. The most important determinants of whether a court decision is reported may be the characteristics of the communication system: time of day that the story is received, size of news hole, kinds of competing news, deadlines, background of telegraph editor, news services subscribed to.

#### Suggestions for Further Research

This study concerned a state appellate court with a national reputation for its liberalism and activism<sup>8</sup> and

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<sup>8</sup>Joseph R. Grodin, "California's High Bench: A Most Remarkable Court," Nation, February 19, 1973, pp. 236-239; Tom Goldstein, "New Appeals Court Judges Arouse Lawyers' Concern," New York Times, January 18, 1974, p. 8-43; Joann S. Lublin, "Trail Blazing Bench: California High Court Often Points the Way for Judges Elsewhere," Wall Street Journal, July 20, 1972, p. 1.

which was headquartered in a highly cosmopolitan, sophisticated city. It would be worthwhile to replicate the study for a more typical court which resided in a more typical town.

The study might be extended to include a larger sample of newspapers to test for the variance contributed by media characteristics such as circulation, size of news hole, whether paper morning or evening, news services subscribed to, days published per week.

Another possible extension would be the creation of variables that are descriptive of the court cases and compatible with traditional standards of news judgment. Examples are a prominence characteristic, that would indicate the presence of a prominent person, issue or organization, and an unusualness characteristic. Examples in this study were the Sirhan Sirhan appeal (case No. 58, People v. Sirhan, 497 P.2d 1121) which was reported by all ten newspapers, and a decision on nude sunbathing (case No. 125, In re Lynch, 503 P.2d 921) which was reported by seven papers.

There remains a need for analysis of how the press actually reports the policy- or law-making of the court. This study focused on the column inches of type--not the content of the messages that the press published. Although this study did determine that policy significance

variables were strongly associated with amount of coverage, it did not consider the extent that policy-making was actually reported or emphasized in the news accounts.

Lastly, there is a need for a more focused evaluation of the role of the wire services in transmitting state court-policies to the public. This study determined how many decisions were published by the daily newspapers-- not how many decisions were made available to the newspaper telegraph editors by the wire services.

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## APPENDIX A

## VARIABLE LIST

<u>No.</u>	<u>Name</u>	<u>Code</u>	<u>Card</u>	<u>Field</u>	<u>Description</u>
CASE CHARACTERISTICS (7 dimensions, 21 vectors)					
X001	FRMTRIAL	0, 1	1	05	Direct from trial court
X002	FRMAPPLS	0, 1	1	06	Direct from appeals court
X003	ORIGINAL	0, 1	1	07	Original action
X004	AMICI	0, 1	1	08	<u>Amici curiae</u> parties
X005	MONEY	0-99	1	09-10	Amount of trial judgment
X006	CRIMINAL	0, 1	1	11	Criminal case
X007	GOVCIVIL	0, 1	1	12	Government civil case
X008	OTHCIVIL	0, 1	1	13	Other civil case
X009	INDPARTY	0-2	1	14	Individuals as parties
X010	GOVPARTY	0-2	1	15	Government as parties
X011	ORGPARTY	0-2	1	16	Organizations as parties
X012	TYPMURDR	0, 1	1	17	Crime of murder
X013	TYPVLNCE	0, 1	1	18	Other violent crime
X014	TYPNONVC	0, 1	1	19	Nonviolent crime
X015	TYPDEBT	0, 1	1	20	Civil debt case
X016	TYPMONEY	0, 1	1	21	Civil money case
X017	TYPLIENS	0, 1	1	22	Civil liens case
X018	TYPDVRCE	0, 1	1	23	Civil divorce case
X019	TYPDAMGE	0, 1	1	24	Civil damage case
X020	TYPMISC	0, 1	1	25	Other civil case
X021	GROUPING	1-9	1	26	Decisions on same day
DECISION CHARACTERISTICS (9 dimensions, 9 vectors)					
X022	DISAGREE	0-2	1	27	Courts that reversed
X023	REVTRIAL	0, 1	1	28	Reverse trial court
X024	REVAPPL	0, 1	1	29	Reverse appeal court
X025	OPINIONS	1-7	1	30	Number opinions with decision
X026	DISSENTS	0-3	1	31	Number dissenting votes

<u>No.</u>	<u>Name</u>	<u>Code</u>	<u>Card</u>	<u>Field</u>	<u>Description</u>
X027	OPINLGTH	0-99	1	32-33	Length majority opinion
X028	STATLAW	0-9	1	34	Headnote statutory provisions
X029	CONLAW	0-9	1	35	Headnote constitutional provisions
X030	PROINIT	0, 1	1	36	Favoring initiator of suit
POLICY SIGNIFICANCE (6 dimensions, 6 vectors)					
X031	CALSUPCT	0-99	1	37-38	California Sup. Ct. citations
X032	OTHERCAL	0-99	1	39-40	Other California citations
X033	STATECRT	0-99	1	41-42	Other state court citations
X034	FEDCITES	0-99	1	43-44	Federal citations
X035	CALJRNLS	0-99	1	45-46	California law journal cities
X036	OTHJRNLS	0-99	1	47-48	Other law journal citations
COVERAGE CHARACTERISTICS (4 dimensions, 40 vectors)					
X037	LINAGE1	0-99	1	49-50	Column inches by LA paper
X038	LINAGE2	0-99	1	51-52	Column inches by SF paper
X039	LINAGE3	0-99	1	53-54	Column inches by San Diego paper
X040	LINAGE4	0-99	1	55-56	Column inches by Fresno paper
X041	LINAGE5	0-99	1	57-58	Column inches by Stockton paper
X042	LINAGE6	0-99	1	59-60	Column inches by Bakersfield paper
X043	LINAGE7	0-99	1	61-62	Column inches by Riverside paper
X044	LINAGE8	0-99	1	63-64	Column inches by Eureka paper
X045	LINAGE9	0-99	1	65-66	Column inches by Salinas paper
X046	LINAGE10	0-99	1	67-68	Column inches by Porterville paper
X047	HDLINE1	0, 1	1	69	Headline in LA paper
X048	HDLINE2	0, 1	1	70	Headline in SF paper
X049	HDLINE3	0, 1	1	71	Headline in San Diego paper
X050	HDLINE4	0, 1	1	72	Headline in Fresno paper
X051	HDLINE5	0, 1	1	73	Headline in Stockton paper
X052	HDLINE6	0, 1	1	74	Headline in Bakersfield paper
X053	HDLINE7	0, 1	1	75	Headline in Riverside paper
X054	HDLINE8	0, 1	1	76	Headline in Eureka paper
X055	HDLINE9	0, 1	1	77	Headline in Salinas paper
X056	HDLINE10	0, 1	1	78	Headline in Porterville paper

<u>No.</u>	<u>Name</u>	<u>Code</u>	<u>Card</u>	<u>Field</u>	<u>Description</u>
X057	FRONT1	0, 1	2	05	Front page in LA paper
X058	FRONT2	0, 1	2	06	Front page in SF paper
X059	FRONT3	0, 1	2	07	Front page in San Diego paper
X060	FRONT4	0, 1	2	08	Front page in Fresno paper
X061	FRONT5	0, 1	2	09	Front page in Stockton paper
X062	FRONT6	0, 1	2	10	Front page in Bakersfield paper
X063	FRONT7	0, 1	2	11	Front page in Riverside paper
X064	FRONT8	0, 1	2	12	Front page in Eureka paper
X065	FRONT9	0, 1	2	13	Front page in Salinas paper
X066	FRONT10	0, 1	2	14	Front page in Porterville paper
X067	TIMELY1	0, 1	2	15	Timely story in LA paper
X068	TIMELY2	0, 1	2	16	Timely story in SF paper
X069	TIMELY3	0, 1	2	17	Timely story in San Diego paper
X070	TIMELY4	0, 1	2	18	Timely story in Fresno paper
X071	TIMELY5	0, 1	2	19	Timely story in Stockton paper
X072	TIMELY6	0, 1	2	20	Timely story in Bakersfield paper
X073	TIMELY7	0, 1	2	21	Timely story in Riverside paper
X074	TIMELY8	0, 1	2	22	Timely story in Eureka paper
X075	TIMELY9	0, 1	2	23	Timely story in Salinas paper
X076	TIMELY10	0, 1	2	24	Timely story in Porterville paper
X077	NONWIR1	0, 1	2	25	Nonwire in LA paper
X078	NONWIR2	0, 1	2	26	Nonwire in SF paper
X079	NONWIR3	0, 1	2	27	Nonwire in San Diego paper
X080	NONWIR4	0, 1	2	28	Nonwire in Fresno paper
X081	NONWIR5	0, 1	2	29	Nonwire in Stockton paper
X082	NONWIR6	0, 1	2	30	Nonwire in Bakersfield paper
X083	NONWIR7	0, 1	2	31	Nonwire in Riverside paper
X084	NONWIR8	0, 1	2	32	Nonwire in Eureka paper
X085	NONWIR9	0, 1	2	33	Nonwire in Salinas paper
X086	NONWIR10	0, 1	2	34	Nonwire in Porterville paper

APPENDIX B

CATEGORIES OF CIVIL CASES\*

1. Debt Actions--all cognovit notes, consent judgments, scirie facias, replevin, garnishment fi-fa (aids to execution).
2. Money Damage Contracts--all suits to collect money damages for breach of an agreement.
3. Liens--all hospital, tax, and mechanic's liens.
4. Divorce-Related Actions--all annulments, divorce a mensa et thoro (separation), divorce a vinculo, alimony, visitation privileges, custody capias to compel support, reciprocal support proceedings and petitions for permission to remarry.
5. Personal Injury and Property Damage Torts--exclude all other torts.
6. Foreclosures--all tax, mortgage, land contract and chattels foreclosures.  
Evictions--all evictions, ejectments, actions for unlawful detainer and for tenant holding over.  
Administrative Agency Appeals--all appeals from local workmen's compensation commissions, from zoning boards, from condemnation boards, from tax court and from liquor license boards.  
Habeas Corpus Petitions--all petitions for bail, post-conviction review, for sanity hearing and child custody.  
Injunctions--all injunctions and writs of mandamus.

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\*Craig Warner, "Initiating Civil Cases in Urban Trial Courts," Law & Society Review 3 (Spring 1974): 422.

## APPENDIX C

## REGRESSION MODELS

Variables: Y = Linage  
 X1 = Dissents  
 X2 = Disagreement  
 X3 = Basic Type-Criminal Case  
 X4 = Grouping  
 X5 = Amici Curiae  
 X6 = Money  
 X7 = California Citations

Full model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + E_1$

Hypothesis 1: Effect of seven predictors, X1-X7, together

Restrictions:  $a_1 = a_2 = a_3 = a_4 = a_5 = a_6 = a_7 = 0$

Restricted model:  $Y = a_0U + E_2$

Hypothesis 2: Effect of X1, Dissent, by itself

Restrictions:  $a_1 = 0$

Restricted model:  $Y = a_0U + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + E_2$

Hypothesis 3: Effect of X2, Disagreement, by itself

Restrictions:  $a_2 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + 0$

Hypothesis 4: Effect of X3, Criminal Case, by itself

Restrictions:  $a_3 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + E_2$

Hypothesis 5: Effect of X4, Grouping, by itself

Restrictions:  $a_4 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_5X_5 + a_6X_6 + a_7X_7 + E_2$

Hypothesis 6: Effect of X5, Amici Curiae, by itself

Restrictions:  $a_5 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_6X_6 + a_7X_7 + E_2$

Hypothesis 7: Effect of X6, Money, by itself

Restrictions:  $a_6 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_7X_7 + E_2$

Hypothesis 8: Effect of X7, California Citations, by itself

Restrictions:  $a_7 = 0$

Restricted model:  $Y = a_{OU} + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + E_2$

Variables: Y + Linage  
 X1 = Disagreement  
 X2 = Trial Reversal  
 X3 = Appellate Reversal  
 X4 = Opinions  
 X5 = Dissents  
 X6 = Opinion Length  
 X7 = Constitutional Law  
 X8 = Statute Law  
 X9 = Pro-initiator

Full model:  $Y = a_{OU} + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_1$

Hypothesis 9: Effect of nine predictors, X1-X9, together

Restrictions:  $a_1 = a_2 = a_3 = a_4 = a_5 = a_6 = a_7 = a_8 = a_9 = 0$

Restricted model:  $Y = a_{OU} + E_2$

Hypothesis 10: Effect of X1, Disagreement, by itself

Restrictions:  $a_1 = 0$

Restricted model:  $Y = a_{OU} + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 11: Effect of X2, Trial Reversal, by itself

Restrictions:  $a_2 = 0$

Restricted model:  $Y = a_{OU} + a_1X_1 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 12: Effect of X3, Appellate Reversal, by itself

Restrictions:  $a_3 = 0$

Restricted model:  $Y = a_{OU} + a_1X_1 + a_2X_2 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 13: Effect of X4, Opinions, by itself

Restrictions:  $a_4 = 0$

Restricted model:  $Y = a_{OU} + a_1X_1 + a_2X_2 + a_3X_3 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 14: Effect of X5, Dissents, by itself

Restrictions:  $a_5 = 0$

Restricted model:  $Y = a_{OU} + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 15: Effect of X6, Opinion Length, by itself

Restrictions:  $a_6 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_7X_7 + a_8X_8 + a_9X_9 = E_2$

Hypothesis 16: Effect of X7, Statutory Law, by itself

Restrictions:  $a_7 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 17: Effect of X8, Constitutional Law, by itself

Restrictions:  $a_8 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_9X_9 + E_2$

Hypothesis 18: Effect of X9, Pro-Initiator, by itself

Restrictions:  $a_9 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + E_2$

Variables :  $Y =$  Linage

$X_1 =$  California Supreme Court Citations

$X_2 =$  Other California Citations

$X_3 =$  Other State Citations

$X_4 =$  Federal Citations

$X_5 =$  California Journal Citations

$X_6 =$  Other Journal Citations

Full model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E$

Hypothesis 19: Effect of six predictors, X1-X6, together

Restrictions:  $a_1 = a_2 = a_3 = a_4 = a_5 = a_6 = 0$

Restricted model:  $Y = a_0U + E_2$

Hypothesis 20: Effect of X1, California Supreme Court citations, by itself

Restrictions:  $a_1 = 0$

Restricted model:  $Y = a_0U + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + E_2$

Hypothesis 21: Effect of X2, Other California Citations, by itself

Restrictions:  $a_2 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + E_2$

Hypothesis 22: Effect of X3, Other State Citations, by itself

Restrictions:  $a_3 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_4X_4 + a_5X_5 + a_6X_6 + E_2$

Hypothesis 23: Effect of X4, Federal Citations, by itself

Restrictions:  $a_4 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_5X_5 + a_6X_6 + E_2$

Hypothesis 24: Effect of X5, California Journal Citations, by itself

Restrictions:  $a_5 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_6X_6 + E_2$

Hypothesis 25: Effect of X6, Other Journal Citations, by itself

Restrictions:  $a_6 = 0$

Restricted model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + E_2$

Variables:  $Y =$  Linage

$X_1 =$  Origin (Trial)

$X_2 =$  Origin (Appeals)

$X_3 =$  Origin (Original)

$X_4 =$  Amici Curiae

$X_5 =$  Money

$X_6 =$  Basic Type (Criminal)

$X_7 =$  Basic Type (Government Civil)

$X_8 =$  Basic Type (Other Civil)

$X_9 =$  Parties (Individuals)

$X_{10} =$  Parties (Government)

$X_{11} =$  Parties (Organizations)

$X_{12} =$  Subject Matter (Criminal, Murder)

$X_{13} =$  Subject Matter (Criminal, Other Violent)

$X_{14} =$  Subject Matter (Criminal, Nonviolent)

$X_{15} =$  Subject Matter (Civil, Debt)

$X_{16} =$  Subject Matter (Civil, Money)

$X_{17} =$  Subject Matter (Civil, Liens)

$X_{18} =$  Subject Matter (Civil, Divorce)

$X_{19} =$  Subject Matter (Civil, Damage)

$X_{20} =$  Subject Matter (Civil, Other)

$X_{21} =$  Grouping

Full model:  $Y = a_0U + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_5X_5 + a_6X_6 + a_7X_7 + a_8X_8 + a_9X_9 + a_{10}X_{10} + a_{11}X_{11} + a_{12}X_{12} + a_{13}X_{13} + a_{14}X_{14} + a_{15}X_{15} + a_{16}X_{16} + a_{17}X_{17} + a_{18}X_{18} + a_{19}X_{19} + a_{20}X_{20} + a_{21}X_{21} + E$

Hypothesis 26: Effect of eight variables, X1-X21, together

Restrictions:  $a_1 = a_2 = a_3 = \dots = a_{19} = a_{20} = a_{21} = 0$

Restricted model:  $Y = a_0U + E_2$

Hypothesis 27a: Effect of Origin (Trial), X1, by itself

Restrictions:  $a_1 = 0$

Restricted model:  $Y = a_0U + a_2X_2 + \dots + a_{21}X_{21} + E_2$

Hypothesis 27b: Effect of Origin (Appeals), X2, by itself

Restrictions:  $a_2 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + a_3X_3 + \dots + a_{21}X_{21} + E_2$

Hypothesis 27c: Effect of Origin (Original), X3, by itself

Restrictions:  $a_3 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + a_2X_2 + a_4X_4 + \dots + a_{21}X_{21} + E_2$

Hypothesis 28: Effect of Amici Curiae, X4, by itself

Restrictions:  $a_4 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + a_2X_2 + a_3X_3 + a_5X_5 + a_6X_6 + \dots + a_{21}X_{21} + E_2$

Hypothesis 29: Effect of Money, X5, by itself

Restrictions:  $a_5 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + a_2X_2 + a_3X_3 + a_4X_4 + a_6X_6 + \dots + a_{21}X_{21} + E_2$

Hypothesis 30a: Effect of Basic Type (Criminal), X6, by itself

Restrictions:  $a_6 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + \dots + a_5X_5 + a_7X_7 + \dots + a_{21}X_{21} + E_2$

Hypothesis 30b: Effect of Basic Type (Government Civil), X7, by itself

Restrictions:  $a_7 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + \dots + a_6X_6 + a_8X_8 + \dots + a_{21}X_{21} + E_2$

Hypothesis 30c: Effect of Basic Type (Other Civil), X8, by itself

Restrictions:  $a_8 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + \dots + a_7X_7 + a_9X_9 + \dots + a_{21}X_{21} + E_2$

Hypothesis 31a: Effect of Parties (Individuals), X9, by itself

Restrictions:  $a_9 = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + \dots + a_8X_8 + a_{10}X_{10} + \dots + a_{21}X_{21} + E_2$

Hypothesis 31b: Effect of Parties (Government), X10, by itself

Restrictions:  $a_{10} = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + \dots + a_9X_9 + a_{11}X_{11} + \dots + a_{21}X_{21} + E_2$

Hypothesis 31c: Effect of Parties (Organizations), X11, by itself

Restrictions:  $a_{11} = 0$

Restricted model:  $Y = a_{0U} + a_1X_1 + \dots + a_{10}X_{10} + a_{12}X_{12} + \dots + a_{21}X_{21} + E_2$

Hypothesis 32a: Effect of Crime Subject Matter (Murder), X12,  
by itself

Restrictions:  $a_{12} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{11X11} + a_{13X13} + \dots + a_{21X21} + E_2$

Hypothesis 32b: Effect of Crime Subject Matter (Other Violence),  
X13, by itself

Restrictions  $a_{13} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{12X12} + a_{14X14} + \dots + a_{21X21} + E_2$

Hypothesis 32c: Effect of Crime Subject Matter (Nonviolent), X14,  
by itself

Restrictions:  $a_{14} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{13X13} + a_{15X15} + \dots + a_{21X21} + E_2$

Hypothesis 33a: Effect of Civil Subject Matter (Debt), X15, by itself

Restrictions:  $a_{15} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{14X14} + a_{15X15} + \dots + a_{21X21} + E_2$

Hypothesis 33b: Effect of Civil Subject Matter (Money), X16, by  
itself

Restrictions:  $a_{16} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{15X15} + a_{17X17} + \dots + a_{21X21} + E_2$

Hypothesis 33c: Effect of Civil Subject Matter (Liens ), X17,  
by itself

Restrictions:  $a_{17} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{16X16} + a_{18X18} + \dots + a_{21X21} + E_2$

Hypothesis 33d: Effect of Civil Subject Matter (Divorce), X18,  
by itself

Restrictions:  $a_{18} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{17X17} + a_{19X19} + \dots + a_{21X21} + E_2$

Hypothesis 33e: Effect of Civil Subject Matter (Damage), X19, by  
itself

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{18X18} + a_{20X21} + a_{21X21} + E_2$

Hypothesis 33f: Effect of Civil Subject Matter (Other), X20, by  
itself

Restrictions:  $a_{20} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{19X19} + a_{21X21} + E_2$

Hypothesis 34: Effect of Grouping, X21, by itself

Restrictions:  $a_{21} = 0$

Restricted model:  $Y = a_{0U} + a_{1X1} + \dots + a_{20X20} + E_2$

Variables:  $Y =$  Linage  
 $X_1 =$  best predictor  
 $X_2 =$  second best predictor  
 $X_3 =$  third best predictor  
 $X_4 =$  fourth best predictor  
 $X_5 =$  fifth best predictor  
 $X_6 =$  sixth best predictor

Full model:  $Y = a_{0U} + a_{1X1} + a_{2X2} + a_{3X3} + a_{4X4} + a_{5X5} + a_{6X6} + E$

Hypothesis 35: Effect of six variables, X1-X6, together

Restrictions:  $a_1 = a_2 = a_3 = a_4 = a_5 = a_6 = 0$

Restricted model:  $Y = a_{0U} + E_2$

## APPENDIX D

## SAMPLED CALIFORNIA CASES, LISTED CHRONOLOGICALLY

- \*1. Baldwin v. State, 491 P.2d 1121 (January 3).
- \*2. People v. Beagle II, 492 P.2d 1 (January 5).
- \*3. Waite v. Waite, 492 P.2d 13 (January 14).
- \*4. Legislature v. Reinecke, 492 P.2d 385 (January 18).
5. Travelers Insurance Co. v. Transport Indemnity Co., 492 P.2d 683 (January 25).
- \*6. People v. Rhoden, 492 P.2d 1143 (January 25).
- \*7. People v. Poyet, 492 P.2d 1150 (January 26).
- \*8. Scott v. City of Indian Wells, 492 P.2d 1137 (January 27).
- \*9. Ridley v. State Bar, 493 P.2d 105 (February 3).
- \*10. In re Higbie, 493 P.2d 97 (February 4).
11. Morgan v. Stufflefield, 493 P.2d 465 (February 9).
- \*12. Bekiaris v. Board of Education of City of Modesto, 493 P.2d 480 (February 9).
- \*13. People v. Anderson, 493 P.2d 880 (February 18).
14. In re Sutherland, 493 P.2d 857 (February 22).
15. Goytia v. Workmen's Compensation Appeals Board, 493 P.2d 854 (February 22).
16. Garcia v. Workmen's Compensation Appeals Board, 493 P.2d 877 (February 23).
- \*17. McKim v. McKim, 493 P.2d 868 (February 23).
- \*18. McDermott v. Superior Ct. of City & Co. of San Francisco, 493 P.2d 1161 (February 25).
19. Harris v. Glens Falls Insurance Co., 493 P.2d 861 (February 25).
- \*20. People v. Superior Court of Los Angeles, 493 P.2d 1183 (February 29).

21. Mathews v. Workmen's Compensation Appeals Board, 493 P.2d 1165 (February 29).
- \*22. Wenke v. Hitchcock, 493 P.2d 1154 (March 2).
23. People v. Superior Court of Kern County, 493 P.2d 1145 (March 3).
24. Laeng v. Workmen's Compensation Appeals Board, 494 P.2d 1 (March 6).
25. Fracasse v. Brent, 494 P.2d 9 (March 10).
- \*26. Lancaster v. Municipal Court For Beverly Hills J.D., 494 P.2d 681 (March 21).
- \*27. People v. Myers, 494 P.2d 684 (March 21).
- \*28. People v. McInnis, 494 P.2d 690 (March 23).
29. In re Watson, 494 P.2d 1264 (March 27).
30. Vaughn v. State Bar of California (March 29).
- \*31. Dimmig v. Workmen's Compensation Appeals Board, 495 P.2d 433 (March 31).
32. Stanford v. City of Ontario, 495 P.2d 425 (April 13).
- \*33. Halpin v. Superior Court of San Bernardino County, 495 P.2d 1295 (April 24).
- \*34. Decker v. Department of Motor Vehicles, 495 P.2d 1307 (April 26).
35. Bernstein v. State Bar of California, 495 P.2d 1289 (April 27).
- \*36. Nestle v. City of Santa Monica, 496 P.2d 480 (April 28).
37. San Diego City Dept. of Pub. Welf. v. Superior Court, 496 P.2d 453 (May 3).
- \*38. Young v. Gness, 496 P.2d 445 (May 4).
39. People v. Medina, 496 P.2d 433 (May 4).
40. Sunset Amusement Co. v. Board of Police Com'rs of L.A., 496 P.2d 840 (May 10).

41. Barquis v. Merchants Collection Ass'n of Oakland, 496 P.2d 817 (May 10).
- \*42. Legislature of the State v. Reinecke, 496 P.2d 464 (May 10).
43. Volkswagen Pacific, Inc. v. City of Los Angeles, 496 P.2d 1237 (May 10).
44. In re Franklin, 496 P.2d 465 (May 12).
- \*45. Harman v. City and County of San Francisco, 496 P.2d 1248 (May 15).
46. Mark v. Pacific Gas and Electric Company, 496 P.2d 1276 (May 17).
- \*47. People v. Miller, 498 P.2d 1089 (May 19).
- \*48. People v. Superior Court of Los Angeles County, 496 P.2d 1205 (May 19).
49. Hersh v. State Bar of California, 496 P.2d 1201 (May 22).
50. Collins v. Rocha, 497 P.2d 225 (May 22).
- \*51. People v. Navarro, 497 P.2d 481 (May 23).
52. People v. Smith, 496 P.2d 1261 (May 23).
- \*53. Raffaelli v. Committee of Bar Examiners, 496 P.2d 1264 (May 24).
54. Cameron v. State, 497 P.2d 777 (June 7).
55. Dillon v. Superior Court of Santa Barbara County, 497 P.2d 505 (June 7).
- \*56. City of Los Angeles v. Public Utilities Com'n, 497 P.2d 785 (June 9).
- \*57. In re Smith, 497 P.2d 807 (June 13).
- \*58. People v. Sirhan, 497 P.2d 1121 (June 16).
59. Bigge Crane Rental Co. v. County of Alameda, 498 P.2d 193 (June 20).
60. People v. Eli, 498 P.2d 196 (June 27).

61. March v. Municipal Court for San Francisco J.D., 498 P.2d 437 (July 7).
- \*62. People v. Sharp, 499 P.2d 489 (July 7).
63. People v. Siegenthaler, 499 P.2d 499 (July 7).
64. Kirby v. Alcoholic Beverage Control Appeals Board, 498, P.2d 1105 (July 7).
65. Willard v. First Church of Christ, Scientist, Pacifica, 498 P.2d 987 (July 11).
66. People v. Kirkpatrick, 498 P.2d 992 (July 11).
67. Gyerman v. United States Lines Company, 498 P.2d 1043 (July 12).
68. Nightingale v. State Personnel Board, 498 P.2d 1006 (July 12).
69. People v. Benn, 498 P.2d 433 (July 12).
70. Hoover v. Galbraith, 498 P.2d 981 (July 12).
- \*71. Pacific Telephone & Tel. Co. v. Franchise Tax B., 498 P.2d 1030 (July 13).
72. People v. Miller, 498 P.2d 1089 (July 13).
73. Mestas v. Superior Court of Santa Clara County, 498 P.2d 977 (July 13).
- \*74. Hendrix v. Superior Court of Los Angeles County, 498 P.2d 1104 (July 17).
- \*75. Bryan v. Superior Court of Los Angeles County, 498 P.2d 1079 (July 17).
76. L. v. Superior Court of Los Angeles County, 498 P.2d 1098 (July 17).
77. Spangler v. Memel, 498 P.2d 1055 (July 18).
78. Unruh v. Truck Insurance Exchange, 498 P.2d 1063 (July 21).
- \*79. In re Minnis, 498 P.2d 997 (July 21).
- \*80. People v. Chambers, 498 P.2d 1024 (July 24).

81. Southern California Edison Co. v. State Bd. of Equal. 498 P.2d 1014 (July 24).
- \*82. Black v. State Bar of California, 499 P.2d 968 (July 25).
83. M. Arthur Gensler, Jr., & A., Inc. v. Larry Barrett, Inc., 499 P.2d 503 (July 25).
- \*84. People v. Perry, 499 P.2d 129 (August 2).
- \*85. Rios v. Cozens, 499 P.2d 979 (August 15).
86. In re P., 500 P.2d 1 (August 16).
87. People v. Salas, 500 P.2d 7 (August 18).
88. Southern California Edison Co. v. Superior Court, 500 P.2d 621 (August 30).
89. People v. Saling, 500 P.2d 610 (September 5).
- \*90. City of Inglewood-L.A. Cty. Civ. Ctr. v. Superior Ct., 500 P.2d 601 (September 6).
- \*91. Capelouto v. Kaiser Foundation Hospitals, 500 P.2d 880 (September 11).
92. Bareno v. Employers Life Insurance Co. of Wausau, 500 P.2d 889 (September 11).
- \*93. People v. McKinnon, 500 P.2d 1097 (September 13).
- \*94. Villa V. Hall, 500 P.2d 887 (September 14).
- \*95. In re Jordan, 500 P.2d 873 (September 15).
- \*96. Curtis v. Board of Supervisors of Los Angeles County, 501 P.2d 537 (September 19).
97. Orpustan v. State Farm Mutual Automobile Ins. Co., 500 P.2d 1119 (September 20).
98. Busick v. Workmen's Compensation Appeals Board, 500 P.2d 1386 (September 20).
- \*99. Friends of Mammoth v. Board of Sup'rs of Mono County, 500 P.2d 1360 (September 21).

100. *Mosesian v. State Bar of California*, 500 P.2d 1115 (September 22).
101. *Klopping v. City of Whittier*, 500 P.2d 1245 (September 22).
102. *Rakestraw v. Rodrigues*, 500 P.2d 1401 (September 27).
103. *Theodor v. Superior Court of Orange County*, 501 P.2d 234 (September 28).
104. *People v. Welch*, 501 P.2d 225 (October 4).
- \*105. *Luxue v. McLean*, 501 P.2d 1163 (October 17).
- \*106. *Cronin v. J.B.E. Olson Corporation*, 501 P.2d 1153 (October 17).
107. *Hinojosa v. Workmen's Compensation Appeals Board*, 501 P.2d 1176 (October 18).
108. *People v. Mitchell*, 501 P.2d 916 (October 19).
109. *Takehara v. H. C. Muddox Company*, 501 P.2d 913 (October 20).
110. *People v. Laursen*, 501 P.2d 1145 (October 20).
111. *People v. Taylor*, 501 P.2d 918 (October 20).
- \*112. *Board of Trustees of Los Angeles Jr. Col. v. Metzger*, 501 P.2d 1172 (October 26).
113. *In re Estate of Bielec*, 502 P.2d 12 (October 27).
114. *Cobbs v. Grant*, 502 P.2d 1 (October 27).
- \*115. *Friends of Mammoth v. Board of Super. of Mono Cty.*, 502 P.2d 1049 (November 6).
116. *People v. Carr*, 502 P.2d 513 (November 14).
- \*117. *North v. Superior Court of Riverside County*, 502 P.2d 1305 (November 16).
118. *People v. Pettegrew*, 503 P.2d 276 (November 22).
- \*119. *People v. Barksdale*, 503 P.2d 257 (November 22).
- \*120. *People v. Murphy*, 503 P.2d 594 (November 27).

121. Peacock Hill Ass'n v. Peacock Lagoon Const. Co., 503 P.2d 285 (November 29).
122. People v. Cannady, 503 P.2d 585 (November 29).
123. People v. Uhlemann, 503 P.2d 277 (November 30).
124. Rubino v. Unemployment Insurance Appeals Board, 503 P.2d 614 (December 1).
- \*125. In re Lynch, 503 P.2d 921 (December 4).
126. Hulland v. State Bar, 503 P.2d 608 (December 7).
- \*127. People v. Nelson, 503 P.2d 1322 (December 14).
- \*128. In re Prewitt, 503 P.2d 1326 (December 14).
- \*129. People v. Vickers, 503 P.2d 1313 (December 14).
130. People v. Najera, 503 P.2d 1353 (December 19).
131. Buchwald v. Katz, 503 P.2d 1376 (December 19).
- \*132. County of Sacramento v. Superior Court, 503 P.2d 1382 (December 19).
133. People v. Thomas, 503 P.2d 1374 (December 20).
134. Hall v. University of Nevada, 503 P.2d 1363 (December 21).
135. Crown Coach Corp. v. Superior Ct. of Los Angeles Cty., 503 P.2d 1347 (December 22).
- \*136. Coffee v. McDonnell-Douglas Corporation, 503 P.2d 1366 (December 22).
137. City of Baldwin Park v. Stoskus, 503 P.2d 1333 (December 22).
138. McDonough Power Equipment Co. v. Superior Court, 503 P.2d 1338 (December 22).
- \*139. Englund v. Chavez, 504 P.2d 457 (December 29).

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\*Indicates decisions that received some press coverage.

## APPENDIX E

CODING SHEET FOR CALIFORNIA SUPREME COURT DECISIONS

Decision name: \_\_\_\_\_

Citation: \_\_\_\_\_ P.2d \_\_\_\_\_

Date filed: \_\_\_\_\_

Case number in study (1-150) . . . . .	1-3
Card number . . . . .	1
	4
X001 Origin from trial court (0, 1) . . . . .	5
X002 Origin from Court of Appeals (0, 1) . . . . .	6
X003 Original action before state supreme court (0, 1) . . . . .	7
X004 Amici curiae parties (0, 1) . . . . .	8
X005 Dollar amount (\$10,000s) of trial judgment . . . . .	9-10
X006 Criminal case (0, 1) . . . . .	11
X007 Government civil case (0, 1) . . . . .	12
X008 Other civil case (0, 1) . . . . .	13
X009 Number of individuals as parties (0-2) . . . . .	14
X010 Number of government agencies as parties (0-2) . . . . .	15
X011 Number of organizations as parties (0-2) . . . . .	16
X012 Crime of murder (0, 1) . . . . .	17
X013 Other violent crime in presence of another (0, 1) . . . . .	18
X014 Nonviolent crime (0, 1) . . . . .	19
X015 Civil debt case (0, 1) . . . . .	20
X016 Civil money case (0, 1) . . . . .	21
X017 Civil liens case (0, 1) . . . . .	22

X018	Civil divorce case (0, 1)	23
X019	Civil damage case (0, 1)	24
X020	Other civil case (0, 1)	25
X021	Decisions released on same day (1-9)	26
X022	Number of courts reversed (0-2)	27
X023	Reversal of trial court (0, 1)	28
X024	Reversal of appeals court (0, 1)	29
X025	Number of opinions with decision (1-7)	30
X026	Number of dissenting judges (0-3)	31
X027	Length of majority opinion in columns (0-99)	32-33
X028	Number of statutory provisions in headnotes (0-9)	34
X029	Number of constitutional provisions in headnotes (0-9)	35
X030	Judgment of prosecutor or initial plaintiff (0, 1)	36
X031	Citations by California Supreme Court (0-99)	37-38
X032	Citations by other California Courts (0-99)	39-40
X033	Citations by other state courts (0-99)	41-42
X034	Citations by federal courts (0-99)	43-44
X035	Citations by California law journals (0-99)	45-46
X036	Citations by other law journals and ALR (0-99)	47-48
X037	Column inches by LA (0-99)	49-50
X038	Column inches by SF (0-99)	51-52
X039	Column inches by San Diego (0-99)	53-54
X040	Column inches by Fresno (0-99)	55-56
X041	Column inches by Stockton (0-99)	57-58

X042	Column inches by Bakersfield (0-99)	59-60
X043	Column inches by Riverside (0-99)	61-62
X044	Column inches by Eureka (0-99)	63-64
X045	Column inches by Salinas (0-99)	65-66
X046	Column inches by Porterville (0-99)	67-68
X047	Headline in LA (0, 1)	69
X048	Headline in SF (0, 1)	70
X049	Headline in San Diego (0, 1)	71
X050	Headline in Fresno (0, 1)	72
X051	Headline in Stockton (0, 1)	73
X052	Headline in Bakersfield (0, 1)	74
X053	Headline in Riverside (0, 1)	75
X054	Headline in Eureka (0, 1)	76
X055	Headline in Salinas (0, 1)	77
X056	Headline in Porterville (0, 1)	78
	Case number in study (1-150)	1-3
	Card number	2
		4
X057	Front page story in LA (0, 1)	5
X058	Front page story in SF (0, 1)	6
X059	Front page story in San Diego (0, 1)	7
X060	Front page story in Fresno (0, 1)	8
X061	Front page story in Stockton (0, 1)	9
X062	Front page story in Bakersfield (0, 1)	10
X063	Front page story in Riverside (0, 1)	11
X064	Front page story in Eureka (0, 1)	12

X065	Front page story in Salinas (0, 1)	13
X066	Front page story in Porterville (0, 1)	14
X067	Timely story in LA (0, 1)	15
X068	Timely story in SF (0, 1)	16
X069	Timely story in San Diego (0, 1)	17
X070	Timely story in Fresno (0, 1)	18
X071	Timely story in Stockton (0, 1)	19
X072	Timely story in Bakersfield (0, 1)	20
X073	Timely story in Riverside (0, 1)	21
X074	Timely story in Eureka (0, 1)	22
X075	Timely story in Salinas (0, 1)	23
X076	Timely story in Porterville (0, 1)	24
X077	Nonwire story in LA (0, 1)	25
X078	Nonwire story in SF (0, 1)	26
X079	Nonwire story in San Diego (0, 1)	27
X080	Nonwire story in Fresno (0, 1)	28
X081	Nonwire story in Stockton (0, 1)	29
X082	Nonwire story in Bakersfield (0, 1)	30
X083	Nonwire story in Riverside (0, 1)	31
X084	Nonwire story in Eureka (0, 1)	32
X085	Nonwire story in Salinas (0, 1)	33
X086	Nonwire story in Porterville (0, 1)	34

## APPENDIX F

TABLE 25

## BASIC STATISTICS OF VARIABLES

Variable	N	Std. Dev.	Mean
From Trial	60	.497	.432
From Appeals	49	.479	.353
Original	30	.413	.216
Amici	45	.470	.324
Money	12 <sup>a</sup>	12.276	2.065
Criminal	41	.458	.295
Government Civil	57	.494	.410
Other Civil	41	.458	.295
Individual Parties	124 <sup>a</sup>	.424	.964
Government Parties	99 <sup>a</sup>	.490	.734
Organization Parties	37 <sup>a</sup>	.500	.288
Type Murder	13	.292	.094
Type Violent	6	.204	.043
Type Nonviolent	21	.359	.151
Type Debt	0	.000	.000
Type Money	6	.204	.043
Type Liens	3	.146	.022
Type Divorce	2	.120	.014
Type Damage	15	.311	.108
Type Miscellaneous	74	.501	.532
Disagreement	82 <sup>a</sup>	.647	.691
Reverse Trial	61	.498	.439
Reverse Appeals	35	.436	.252
Opinions	51 <sup>b</sup>	.587	1.410
Dissents	49 <sup>a</sup>	1.062	.691
Opinion Length	79 <sup>c</sup>	9.308	14.360
Statute Law	62 <sup>b</sup>	1.149	1.633
Constitutional Law	77 <sup>a</sup>	.985	.827
Pro-Initiator	87	.486	.626
Cal. Supreme Court	61 <sup>b</sup>	4.001	2.489
Other California	100 <sup>b</sup>	7.851	5.921
State Courts	72 <sup>a</sup>	3.631	1.835
Federal Courts	43 <sup>a</sup>	1.248	.619
California Journals	49 <sup>a</sup>	1.012	.604
Other Journals	76 <sup>a</sup>	1.212	.899
Grouping	77 <sup>b</sup>	1.005	1.892

a=1 or more  
b=2 or more  
c=12 or more

APPENDIX G

CORRELATION MATRICES

TABLE 17

CORRELATION MATRIX FOR VARIABLES  
IN HYPOTHESES 1 THROUGH 8 WITH REPORTED

	Reported	Dissent	Disagree	Criminal	Grouping	Amici	Money	Calif. Cites.
Reported	1.000	-.011	-.108	-.009	-.149	.152	.101	.370
Dissent		1.000	.081	.070	-.004	.013	-.042	.039
Disagree			1.000	.066	.071	.117	-.019	.053
Criminal				1.000	-.009	-.178	-.109	.211
Grouping					1.000	-.079	.025	-.099
Amici						1.000	.016	.035
Money							1.000	-.110
Calif. Cites								1.000

TABLE 18

CORRELATION MATRIX FOR VARIABLES  
IN HYPOTHESES 9 THROUGH 18 WITH REPORTED

	Reported	Disagree	Rev. Trial	Rev. Appeal	Opinions	Dissent	Opin. Length	Stat. Law	Const. Law	Proinitiate
Reported	1.000	-.108	-.094	-.054	.039	-.011	.237	.212	.187	.305
Disagree		1.000	.740	.639	.146	.081	.216	.148	.029	-.071
Rev. Trial			1.000	-.045	.198	.108	.195	.169	.097	-.095
Rev. Appeal				1.000	-.010	-.003	.097	.027	-.067	.003
Opinions					1.000	.820	.121	.074	.148	-.144
Dissent						1.000	-.010	.001	.052	-.156
Opin. Length							1.000	.590	.326	-.000
Stat. Law								1.000	.104	.051
Const. Law									1.000	-.181
Proinitiate										1.000





TABLE 20

CORRELATION MATRIX FOR VARIABLES  
IN HYPOTHESES 19 THROUGH 25 WITH REPORTED

	Repor- ted	Supr. Court	Other Calif.	State Courts	Fed. Courts	Calif. Journal	Other Journal
Reported	1.000	.391	.318	.205	.264	.180	.171
Supr. Court		1.000	.680	.558	.518	.317	.146
Other Calif.			1.000	.549	.405	.397	.187
State Courts				1.000	.653	.558	.513
Fed. Courts					1.000	.437	.296
Calif. Journal						1.000	.458
Other Journal							1.000

TABLE 21

CORRELATION MATRIX FOR VARIABLES  
IN HYPOTHESES 19 THROUGH 25 WITH LINAGE

	Linage	Supr. Court	Other Calif.	State Courts	Fed. Courts	Calif. Journal	Other Journal
Linage	1.000	.519	.319	.509	.563	.452	-.039
Supr. Court		1.000	.672	.643	.571	.441	.116
Other Calif.			1.000	.566	.387	.513	.148
State Courts				1.000	.634	.552	.495
Fed. Courts					1.0000	.473	.229
Calif. Journal						1.000	.375
Other Journal							1.000

TABLE 22

CORRELATION MATRIX FOR VARIABLES  
IN HYPOTHESES 1 THROUGH 8 WITH LINAGE

	Linage	Dissent	Disagree	Criminal	Grouping	Amici	Money	Calif. Cites
Linage	1.000	.141	.047	.093	-.195	.149	.134	.418
Dissent		1.000	.218	.062	-.173	.002	-.040	.131
Disagree			1.000	.052	-.094	.284	-.030	.077
Criminal				1.000	.073	-.308	-.126	.336
Grouping					1.000	-.181	.077	-.121
Amici						1.000	.034	-.009
Money							1.000	-.159
Calif. Cites								1.000

TABLE 23

CORRELATION MATRIX FOR VARIABLES  
IN HYPOTHESES 9 THROUGH 18 WITH LINAGE

	Linage	Dis- agree	Rev. Trial	Rev. Appeal	Opin- ions	Dis- sent	Opin. Length	Stat. Law	Const. Law	Proin- itiate
Linage	1.000	.047	.079	-.018	.244	.141	.358	.180	.483	-.253
Disagree		1.000	.771	.671	.287	.218	.264	.121	.016	-.123
Rev. Trial			1.000	.046	.236	.182	.294	.228	.120	-.150
Rev. Appeal				1.000	.176	.130	.071	-.075	-.114	-.006
Opinions					1.000	.841	.300	.254	.068	-.145
Dissent						1.000	.089	.184	-.045	-.083
Opin. Length							1.000	.612	.340	-.248
Stat. Law								1.000	.033	-.100
Const. Law									1.000	-.292
Proinitiate										1.000



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"The Court's Perception of the Press." Judicature 57 (December 1973): 182-189.

"How Reporters and Justices View Coverage of a State Appellate Court." Journalism Quarterly 52 (Spring 1975): 106-110.

**END**