



# FULL-COURT PRESS: AN EXAMINATION OF MEDIA COVERAGE OF STATE SUPREME COURTS\*

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*This analysis explores how case facts and the characteristics of media and the judiciary affect news coverage of the courts. It examines newspaper coverage of the decisions of twenty state supreme courts during calendar year 1998 and matches relevant stories to the cases contained in the Brace and Hall State Supreme Court Data Project (2002). The results are consistent with the hypotheses that case facts, media characteristics, and judicial characteristics all affect the probability that a case will receive news coverage.*

Legendary United States Supreme Court reporter Linda Greenhouse observed:

Press coverage of the courts is a subject at least as worthy of public concern and scholarly attention as press coverage of politics, perhaps even more so. . . . [J]udges, for the most part, speak only through their opinions, which are difficult for the ordinary citizen to obtain and understand. Especially in an era when the political system has ceded to the courts many of society's most difficult questions, it is sobering to acknowledge the extent to which the courts and the country depend on the press for the public understanding that is necessary for the health, and ultimately, the legitimacy of any institution in a democratic society (1996:1538).

Despite the admonitions of Greenhouse and other observers, scholars have paid only occasional attention to the link between the media and the judiciary, especially outside the U.S. Supreme Court. Furthermore, the scholars who have considered this question have not taken account of all of the factors that may affect decisions about what issues most merit news coverage.

This study fills that void in existing research by considering the interplay between case facts, media characteristics, and judicial characteristics in American state supreme courts. The analysis is aided by the State Supreme Court Data Project, a database of state supreme court decisions from 1995-98 assembled by Brace and Hall (2002). The results are consistent with the hypotheses that case facts, media characteristics, and judicial characteristics all affect the probability that a case will receive news coverage.

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## THEORY

As Greenhouse (1996) notes, the press plays an important role in shaping what citizens know about their government. Nowhere is this role more visible or more important than with regard to the judiciary, which conducts most of its work in relative obscurity. Few citizens are able to observe the daily activities of judges and justices, and media coverage of the courts is far more limited than in the legislative or executive branches. Thus, a greater knowledge of the cases that are most likely to receive coverage allows researchers to better understand what citizens know about their judiciary.

A number of researchers have studied print and television news coverage of the United States Supreme Court (e.g. Ericson, 1977; Katsh, 1983; Larson, 1985; O'Callaghan and Dukes, 1992; Slotnick and Segal, 1998; Vermeer, 2002; Haider-Markel, Allen, and Johansen, 2006). Taken as a whole, these studies demonstrate that only a small fraction of Supreme Court decisions receive coverage. The issue area of the case, attention from organized interests, and local importance appear to play especially significant roles in differentiating between the Supreme Court cases that receive coverage and those that do not.

Little is known, however, about what information citizens receive about the business of other courts (but see Hale, 1999, 2006). Studying these inferior courts is particularly important. Only a fraction of cases reach the U.S. Supreme Court; this body decides fewer than 100 cases each year. Therefore, most of the nation's judicial business is conducted in state and other federal courts.

Studying lower courts also enables a more in-depth analysis of how the quality and quantity of information citizens receive about the judiciary is affected by the varying institutional structures of the media and the judiciary. Although some scholars have briefly considered how newspaper size affects coverage of the Supreme Court (Ericson, 1977), new trends in media have dramatically altered the news environment in recent years. And it is virtually impossible to consider how variations in institutional structures affect news coverage of Supreme Court decisions.

***The Role of Media.*** Before considering the specific case of how media cover the courts, it is useful to consider the general goals and motivations of the press. Put simply, media act as public informants. Individual citizens are able to observe few of the political events that occur in a given year, month, or day. Media fill this void by providing news coverage.

But even the best news outlets are unable to cover all political events. Their coverage is constrained by the availability of resources. Specifically, news space is limited by airtime and inches. And staff time is similarly finite.

The extent of these resource-based limitations may vary with the size of the news outlet. In one prior study of newspaper coverage of the California Supreme Court, for example, Hale (2006) found that the paper's circulation was the greatest determinant of whether a case received coverage. Smaller metropolitan dailies were about half as likely to cover state supreme court cases than the three largest-circulation papers in

the state. But even these large-circulation papers covered only 30 percent of state high-court decisions. Thus, decisions about what events most merit coverage must be made.

Determining the institutions and issues—as well as combinations thereof—that receive coverage is a strategic decision. The press has every reason to act rationally to maximize their effect on society, as well as their profits. These goals are accomplished by choosing to cover the events that have the greatest impact on public policy and the political process.

Practically speaking, this means that media coverage of the government should be contingent on several factors. First, the salience of an issue should affect its probability of being covered. If an issue is already a visible, hot-button subject, additional news coverage of that issue should follow. This claim is neither new nor novel. In devising a measure of Supreme Court issue salience, for example, Epstein and Segal (2000) argue that news reporters respond to contemporaneous issue salience when choosing if and how to cover Supreme Court decisions.

Second, given two issues of equal salience, media should allot more attention, space, and resources to the activities of the branch that has the greatest control over the course of public policy in that issue area. To use Baumgartner and Jones's (1993) language, media look toward policy venues, or the institutions with the authority to make decisions over a particular issue, to make decisions about the events that most merit news coverage.

Media should also consider the local importance of an issue. Locally important issues are more relevant to readers and viewers, who see these events as affecting their everyday lives. Previous research has shown that, controlling for media-outlet size, newspapers were more likely to cover the U.S. Supreme Court's decision in *Lawrence v. Texas* (2003) if it was locally relevant (Haider-Markel, Allen, and Johansen, 2006).

The local importance of an issue should play a particularly large role for news outlets that are not owned by a corporate conglomerate or that face competition in their city. News outlets that are locally owned may rely less on national news staff and more on reporters within the community. Local beat reporters are also more likely to be aware of the events that will have the greatest effect on the population in a given area. This is consistent with an existing body of research on news coverage. In an analysis of media coverage of judicial elections, for example, Schaffner and Diascro (2007) found that locally owned newspapers provided twice the coverage of state high-court contests than their chain-owned counterparts.

Multiple news outlets in a city, especially in the case of newspapers, may also promote additional coverage of local issues. The competition that results over readership and profits may drive these outlets to pay more careful attention to political issues than under other circumstances.

***News Coverage of the Judiciary.*** Applying the foregoing logic to the courts, media should be more likely to cover the courts when they are acting as a policy venue. This is more likely to occur in issue areas where the judiciary acts as a veto player. In

these cases, the decision of the court is final, and there is little that other political actors can do to overturn a judicial decision.

The types of issues controlled by the courts may change over time as a result of history, constitutional arrangements, or cultural norms. Other factors, such as public opinion and divided government, may also play a role. But there are useful heuristic cues, such as repeated litigation or distinctions between case types, that aid the media in determining when the court is acting as a policy venue.

One empirical distinction that is particularly useful because of its endurance and relative clarity is the difference between constitutional and statutory decisions. Although common wisdom on this distinction has been criticized in recent years (Friedman and Harvey, 2003; Martin, 2006), a body of research demonstrates that the dynamics of the judiciary are quite different in these two types of cases.

Institutional constraints on judicial power, for example, are much lower in constitutional than statutory cases (Epstein and Knight, 1998). When a court decides a case on a constitutional issue, such as free speech or due process, there is little that other political actors can easily do to alter its decision. The legislature can alter the court's jurisdiction and impeach judges. The legislative and executive branches are also able to limit the budget of the judiciary and amend the constitution. But using one of these powers as a weapon is a high-cost proposition that may have limited rewards.

Perhaps for these reasons, judges appear to make decisions differently in constitutional and statutory cases (e.g., Stock, 1990; Spiller and Gely, 1992; Pacelle et al., 2008). In constitutional cases, for example, the Supreme Court pays comparatively little attention to the ideology of Congress, the preferences of the president, and precedent.

In contrast, in statutory cases, these factors have a significant impact on judicial decisions (Pacelle et al., 2008). This is likely because the executive and legislative branches can more easily alter judicial decisions on statutory issues. The congressional majority needed to change a statute, for example, is much smaller than the supermajority required to amend the constitution. As a result, judicial decisions may have little sticking power on issues such as torts and tax law.

The media's use of the distinction between statutory and constitutional issues is not absolute. For a variety of personal, political, and moral reasons, some constitutional cases—such as those concerning the death penalty—may be more important than others. Alternatively, a decision on an issue that is perceived to affect only a small class of citizens—whether constitutional or statutory—may be less newsworthy. And political circumstances may also increase judicial power in other types of cases. Environmental factors, such as divided government or separation of powers, for example, may make the courts a veto player in some statutory cases.

Nevertheless, this distinction remains a generally enduring and useful heuristic cue for media in determining the judicial decisions that most merit news coverage. This decision is much more enduring and much less arbitrary than others that could be used. It also allows media to consider the institutions that act as a policy venue in a particular issue area.

Media may also use a number of additional cues to help distinguish more important cases from less significant cases. In an earlier study of the U.S. Supreme Court, for example, Slotnick and Segal (1998) suggest that the presence of amicus briefs or the U.S. government as a party may affect a case's probability of receiving coverage. Measures of conflict such as a lower-court decision being overruled or the vote of the Supreme Court were also significant predictors of media attention.

Conflict is also likely to be an important determinant of media coverage of the judiciary. Disagreement within or between two courts may suggest a case that will make for a good story. Conflict may suggest to media that inter- and intrabran­ch battles on an issue will continue to occupy the policy agenda.

The accountability of the judiciary should also affect the likelihood that cases receive coverage. In the American states, this means that, holding the size of a court's docket and prestige constant, decisions by elected judges should be more newsworthy than those made by appointed judges. This is especially true in years where judges on that court are facing an election. In these cases, it becomes increasingly more important that citizens are aware of the issues that judges consider, as well as decisions that incumbent judges have made while serving on the court.

The importance of selection system and the proximity of judicial elections is not a new idea. Scholars have long examined how judicial selection systems affect judges' decisions (Hall, 1987, 1992, 1995; Brace and Hall, 1993, 1995; Brace, Hall, and Langer, 1999) and considered how selection systems and other institutional factors affect the presence and quality of challengers in judicial elections (Bon­neau and Hall, 2003).

## HYPOTHESES

The preceding theory argues that case facts, media characteristics, and judicial characteristics should work together to affect the probability that a state supreme court decision receives news coverage. The expected effects of each of these broad categories of variables are considered in the paragraphs that follow.

**Case Facts.** Consider case characteristics first. Judicial decisions on issues where the courts act as a policy venue should be more likely than other decisions to receive news coverage. This is consistent with the idea that media outlets have limited news space, and they must choose those cases that will affect the greatest number of citizens or cause the greatest change in existing law.

As previously discussed, a useful empirical distinction in the policy issues handled by the judiciary is the difference between statutory and constitutional decisions. The courts have much broader latitude to make enduring decisions in constitutional cases than in statutory cases. Therefore, constitutional cases should be more likely to receive coverage than their statutory counterparts.

This distinction, however, is certainly more nuanced. Within the category of constitutional issues, some cases should be particularly important. Death penalty cases, for example, are one example where the judiciary's broad latitude in decision making

is perceived to have a significant impact on society. Accordingly, death penalty cases should be more likely than other cases to receive coverage.

In contrast, the courts may have particularly limited power to make decisions on other issues. Torts, for example, are heavily regulated by the executive and legislative branches. Most tort decisions are also narrow in scope and affect only a small group of citizens. Thus, torts should be less likely than other cases to receive news coverage.

Alternately, in other cases, the judiciary's power may be enhanced by political circumstances. One of these areas is the practice of law, which includes disbarments, ethical violations, and other legal issues that are of interest to citizens. Generally, the legislative and executive branches allow the courts to act as the ultimate arbiter of these issues. Accordingly, practice-of-law cases should be more likely than other types of decisions to receive news coverage.

One cue of the importance of a case that moves beyond the issue area occurs when there is intense conflict between judges or courts. These types of cases make good stories and may be signals of an issue's sticking power on the political agenda. Therefore, nonunanimous decisions and cases that alter a lower court's decision should be more likely to receive news coverage.

An additional cue of the newsworthiness of a judicial decision may be whether an opinion is formally signed or a per curiam decision. Per curiam decisions are generally more procedural than their signed counterparts. Thus, signed opinions should be more likely than other decisions to receive coverage than their unsigned counterparts.

**Media Characteristics.** All media coverage is, first, conditional upon the resources of the news outlet. Outlets that have greater resources (more reporters, more space) should be more able to cover judicial decisions. Consider the case of a newspaper, whose resources may be measured using its daily circulation. Higher-circulation papers generally have more staff and news space. Therefore, cases decided in cities with higher-circulation newspapers should be more likely to receive coverage than cases decided in cities with smaller-circulation newspapers.

Newspapers that are more connected to the community and dedicated to local news may also allocate more resources to covering the judiciary, especially state and local courts. Previous research has demonstrated that locally owned newspapers have a greater focus on the community than those that are owned by conglomerates. Thus, cases decided in cities with locally owned newspapers should be more likely to receive news coverage than their corporate-owned counterparts.

Competition for readership should also drive newspapers to provide comprehensive news coverage. This includes more complete coverage of state and local judicial activity. Thus, cases decided in cities with two major daily newspapers should be more likely to receive coverage than cases decided in cities with one major daily newspaper.

**Judicial Characteristics.** The characteristics of a particular court should also affect a case's probability of receiving news coverage. Holding caseload and prestige constant, the business of a court should become more salient as that court becomes more accountable to the citizens. This is particularly true in the electoral context; as

judicial elections approach, the media have an increasing obligation to inform citizens about the people running for office and the issues they will consider while on the bench. Therefore, cases decided by courts holding judicial elections in a given year should be more likely to receive news coverage than cases decided by courts that do not have a judicial election in that year.

## DATA AND METHODS

This analysis relies on a dependent variable assembled from media coverage in state-capital newspapers and information from the State Supreme Court Data Project. It also includes a series of independent variables. These variables, along with the probit model used to make predictions about the probability that a case will receive news coverage, are described in greater detail in the following sections.

**Dependent Variable.** The dependent variable indicates whether or not a state supreme court case received coverage in its own state-capital newspaper. This variable was created using news stories on state supreme court decisions from calendar year 1998 published in each of twenty state-capital newspapers. All states whose largest-circulation state-capital newspaper was archived in LexisNexis for 1998 were included in the analysis.<sup>1</sup> The variable is coded 1 if a case received coverage and 0 otherwise.

There is every reason to expect that the cases from this twenty-state sample are representative of an average year in state supreme court business. The percentage of criminal and civil cases is relatively consistent across all cases included in the Brace and Hall Data Project, all cases decided in 1998, and the cases included in the analysis (see Table 1). This pattern holds true for a number of other case characteristics, including whether the decision concerned a constitutional issue, was unanimous, or altered a lower-court decision.

To identify whether or not a case received news coverage, the 1998 LexisNexis archives of each state-capital newspaper were searched using the over-inclusive term “supreme court.” All relevant stories were collected and read to verify that they related to the states’ highest court and not the United States Supreme Court or the supreme court of another state. If the story was appropriate, identifying characteristics from the story were matched to information in the State Supreme Court Data Project. Overall, 16 percent of cases decided by state supreme courts in 1998 received coverage in state-capital newspapers. This is identical to the percentage of California State Supreme Court cases that received coverage in metropolitan dailies in Hale’s analysis (2006).

<sup>1</sup> The states and papers included in this analysis are Arkansas (*Arkansas Democrat Gazette*), Colorado (*Denver Post*), Georgia (*Atlanta Journal-Constitution*), Illinois (*State Journal Register*), Kansas (*Topeka Capital Journal*), Louisiana (*The Advocate*), Massachusetts (*Boston Globe*), Maryland (*The Capital*), North Carolina (*News and Observer*), North Dakota (*Bismarck Tribune*), New Mexico (*Santa Fe New Mexican*), New York (*Albany Times-Union*), Ohio (*Columbus Dispatch*), Rhode Island (*Providence Journal*), Texas (*Austin American Statesman*), Utah (*Salt Lake Tribune*), Virginia (*Richmond Times-Dispatch*), Wisconsin (*Wisconsin State Journal*), West Virginia (*Charleston Gazette*), and Wyoming (*Wyoming Tribune-Eagle*).

Table 1  
 Characteristics of State Supreme Court Decisions

	All Cases in Database	All 1998 Cases in Database	Cases Included in Analysis
% Criminal	31.92	31.65	31.19
% Civil	65.84	66.26	66.49
% Other	2.24	2.09	2.32
% Constitutional Cases	4.69	3.44	3.65
% Death Penalty	5.31	5.61	4.02
% Torts	22.50	24.40	24.14
% Practice of Law	7.12	7.92	9.43
% Unanimous Decisions	78.72	77.30	78.55
% Alter Lower-Court Decision	40.57	40.37	39.85
% Signed Opinions	84.11	82.73	78.61
<b>Total Cases</b>	28,332	7,075	3,011

*Independent Variables.* The independent variables in this analysis fall into three major categories: case facts, media characteristics, and judicial characteristics (see Table 2). The sections that follow examine each of these in turn.

*Case Facts.* The case facts included in this model were created using information available in the State Supreme Court Data Project (Brace and Hall, 2002). Each of these characteristics were coded 1 if a case possessed a given characteristic (constitutional case, unanimous opinion, signed opinion, etc.) and 0 otherwise.

First, the issue area of a case is measured using a variable indicating whether the case concerned a state or federal constitutional issue. These issues are combined into one variable to eliminate concerns about collinearity. Because the federal and state constitutions include many of the same provisions, many cases that related to a state constitutional issue also concerned a federal constitutional issue, and vice versa. Constitutional issues were present in approximately 4 percent of cases.

Several issue areas of particular interest are also measured individually. First, a binary variable is used to indicate those cases where the court either considered or imposed the death penalty. This is representative of a particular class of constitutional cases that is especially likely to receive news coverage. Four percent of all cases concerned the death penalty.

Second, the model includes a measure of whether the case concerned a tort. This category is representative of a class of decisions that is especially unlikely to receive news coverage. Tort cases include any cases that Brace and Hall (2002) classified as falling under the general issue category of civil-government or civil-private torts. Examples are employee injury, workers compensation, professional malpractice, and libel cases. Nearly 25 percent of cases fit these criteria.

Finally, the model includes a variable for practice-of-law cases. This measures a class of nonconstitutional cases that may be more likely to receive news coverage as a

Table 2  
Descriptive Statistics

<i>Dependent Variable</i>	Min.	Max.	Mean	Type	Source
<b>News Coverage</b>	0	1	.160	Binary	LexisNexis
<b>Case Facts</b>					
<b>Constitutional Issue</b>	0	1	.037	Binary	Brace/Hall
<b>Death Penalty</b>	0	1	.040	Binary	Brace/Hall
<b>Torts</b>	0	1	.241	Binary	Brace/Hall
<b>Practice of Law</b>	0	1	.094	Binary	Brace/Hall
<b>Unanimous Decision</b>	0	1	.785	Binary	Brace/Hall
<b>Alter Lower-Court Decision</b>	0	1	.399	Binary	Brace/Hall
<b>Signed Opinion</b>	0	1	.786	Binary	Brace/Hall
<b>Media Characteristics</b>					
<b>Two Papers</b>	0	1	.236	Binary	Editor/Publisher
<b>Local Owner</b>	0	1	.247	Binary	Editor/Publisher
<b>Circulation</b>	16,724	476,966	158,957	Continuous	Editor/Publisher
<b>Judicial Characteristics</b>					
<b>Discretionary Docket</b>	0	1	.792	Binary	American Judicature Society
<b>Had Election</b>	0	1	.329	Binary	Institute for Money in State Politics

result of the state supreme courts' additional influence. It includes bar admissions, disbarments, and promulgations of rules of practice. Almost 10 percent of cases fell in to this category.

Other case characteristics may also affect the predicted probability that a case receives news coverage. The first of these variables is whether a case was a unanimous decision. Unanimous decisions are cases handed down without dissenters in the vote of the court. These opinions may be with or without concurrences. Nearly 80 percent of all cases were decided unanimously.

The model also includes a measure of whether the court's opinion was signed. This variable separates formal opinions from per curiam decisions. Nearly 80 percent of all opinions were signed.

Finally, the model considers whether the court's decision altered a decision of one or more lower courts—that is, reversed a lower-court decision, either in whole or in part. State high courts altered the lower court's decision in some way in nearly 40 percent of cases.

*Media Characteristics.* This analysis considers three media characteristics. These are circulation, ownership, and number of daily papers published in the city.

Information on each of these variables was collected from the 1998 edition of the *Editor and Publisher International Year Book*.

First, newspaper circulation is a continuous variable that measures each paper's average weekday sales in 1998. The circulation of the newspapers included in this analysis ranges from nearly 17,000 to almost 477,000. The average circulation of papers included in this analysis is approximately 160,000 units per day.

Second, newspaper ownership is a binary variable that divides newspapers into two categories: those published by media conglomerates (coded 0 in the analysis) and those that are locally owned and operated (coded 1 in the analysis). Overall, five of the twenty state-capital newspapers included in this study were locally owned. This accounted for approximately 25 percent of cases.

Finally, state high-court cases are coded 1 if they were decided in cities with multiple daily papers and 0 if they were decided in cities with only one major daily newspaper. Overall, five of the twenty capital cities included in this analysis had multiple papers. These states accounted for roughly 25 percent of cases.

*Judicial Characteristics.* The model also includes two judicial characteristics. The primary independent variable of interest is a binary variable indicating whether a state held a judicial election in 1998.<sup>2</sup> States that held an election are coded 1; all other states are coded 0. Of the states included in this sample, five held elections in 1998. Four of these states held partisan elections, and one held a nonpartisan election. Just over 30 percent of cases were decided in states holding elections in 1998.

The model also controls for each state high court's caseload using a binary variable measuring whether the court has a discretionary docket. In general, states with discretionary dockets tend to be larger states that handle more cases. The variable is coded 1 for cases decided in states where the court has largely discretionary jurisdiction and 0 otherwise. Of the states included in this analysis, fifteen had discretionary dockets. These states accounted for almost 80 percent of the cases in this study.

*Model Estimation.* The model is estimated using probit estimation. Probit is a maximum-likelihood estimator appropriate for use with binary-response variables. The model predicts the probability of an event—in this case, newspaper coverage of a state supreme court decision—occurring in the absence or presence of particular independent variables. The probit model is based on the normal distribution and assumes an error term with a variance of one.

The model used in this article also employs robust standard errors. Robust standard errors are generally used when there is a small departure from the fundamental

<sup>2</sup> This variable does not consider the importance of particular selection systems, which some observers may expect to be significant in their own right. Another iteration of the model included both the election variable and other variables indicating a state's selection system; this model had a number of problems as a result of collinearity. Therefore, the model could only include one of the two measures. It turned out, however, that selection system (whether as an elected/appointed dummy or a series of dummies separating partisan election, nonpartisan election, legislative/gubernatorial appointment, and the Missouri Plan) alone was statistically insignificant. Thus, it appears that it is not the system of judicial selection, but the fact that an election is taking place, which affects the probability that a case receives coverage.

Table 3  
Predictors of News Coverage of State Supreme Courts

	Coefficient (Robust S.E.)	Min-Max Change in Predicted Probability
<b>Case Facts</b>		
Constitutional Issue	.885 *** (.126)	.280
Death Penalty	.530 *** (.131)	.150
Torts	-.189 *** (.072)	-.041
Practice of Law	.221 * (.114)	.055
Unanimous Decision	-.238 *** (.069)	-.058
Alter Lower-Court Decision	.125 ** (.061)	.029
Signed Opinion	.461 *** (.090)	.090
<b>Media Characteristics</b>		
Two Papers	.603 *** (.081)	.159
Local Owner	.251 *** (.080)	.061
Circulation	.0000005 * (.0000002)	.060
<b>Judicial Characteristics</b>		
Discretionary Docket	-.167 * (.090)	-.040
Had Election	.254 *** (.072)	.060
<b>Constant</b>		
	-1.56 *** (.143)	
Pseudo $\ell$	-1220.36	
Wald $\chi^2$	184.50	
$p$	.000	
$R^2$	3,011	

n=3,011

\* Significant at  $p < .10$  (two-tailed)

\*\* Significant at  $p < .05$  (two-tailed)

\*\*\* Significant at  $p < .01$  (two-tailed)

assumptions of the model. In this case, the probit model's assumption of conditional independence of observations has likely been violated. There are multiple case observations from each of the twenty states, and it is likely that the residuals for observations within each state will be correlated.

## FINDINGS

The findings of the statistical analysis (see Table 3) provide significant support for the hypotheses that case facts, media characteristics, and judicial characteristics affect the probability that a case receives news coverage. All of the independent variables attain statistical significance at the  $p < .10$  level. Just three variables—practice of law, circulation, and the control for a discretionary docket—do not attain significance at the  $p < .05$  level. Many of these variables also have significant substantive implications.

First, consider the effect of issue area on the predicted probability of receiving news coverage. Of all of the independent variables in the model, issue area had the greatest effect on the predicted probability that a case received news coverage. Specifically, constitutional cases were 28 percent more likely to receive coverage than their statutory counterparts.

Specific case types also affected a case's predicted probability of news coverage. Death penalty cases, for example, were 15 percent more likely to receive news coverage. Tort cases were 4 percent less likely to receive news coverage. And practice-of-law cases were 6 percent more likely to receive news coverage.

Other case facts also significantly affected the predicted probability that a case received news coverage. Unanimous decisions were nearly 6 percent less likely to receive news coverage. Signed opinions and decisions that altered a lower court's verdict increased a case's predicted probability of news coverage by 9 percent and 3 percent, respectively.

Media resources also played a substantively significant role in determining the probability that a case received news coverage. Cases decided in cities with higher circulations were about 6 percent more likely to receive news coverage than cases decided in cities with lower-circulation newspapers.

Additional pressures to provide complete local news coverage also exerted a statistically and substantively significant effect on a case's probability of receiving news coverage. Cases decided in cities with a locally owned newspaper were 6 percent more likely to receive news coverage than those decided in cities where the paper was owned by a media conglomerate. And cases decided in capital cities with two major daily newspapers were 16 percent more likely to receive news coverage than those decided in a capital city with one paper.

Finally, judicial characteristics were also statistically and substantively important. Both the variable indicating whether a state held a judicial election in 1998 and the control for whether the court had a mandatory or discretionary docket were significant predictors of whether a case received coverage. Cases decided in states that held elections in 1998 were 6 percent more likely to receive news coverage, while cases

decided in states with discretionary dockets were 4 percent less likely to receive news coverage.

## DISCUSSION

In many ways, the findings of this analysis validate those of previous researchers who have noted the importance of case facts in determining the likelihood that a judicial decision receives news coverage (O'Callaghan and Dukes, 1992; Slotnick and Segal, 1998). The results also provide additional evidence for the importance of media ownership and resources (Schaffner and Sellers, 2003; Hale, 2006) in determining the quantity of coverage allotted to local events. And in keeping with judicial politics research, this study finds that the proximity of judicial elections affects not only decisions (Hall, 1987; Brace and Hall, 1990) and challengers (Bonneau and Hall, 2003), but also the information that citizens receive about their courts.

This study's unique contribution, however, comes from using state supreme court decisions to demonstrate that each of these factors—case facts, media characteristics, and judicial characteristics—remain significant predictors of news coverage in an integrated model. In other words, it is not just the decision itself, but also the broader political environment in which it is decided, that affects the likelihood that a case receives coverage.

Several key points merit further discussion. First, and perhaps most notably, the substantive significance of the variable indicating whether a case concerned a constitutional issue provides evidence that media are more likely to cover court decisions that have the greatest likelihood of altering the status quo, are least likely to be overturned, or both. In this specific case, because the judiciary is more likely to act as a veto player on constitutional issues, media consider state supreme court decisions on these issues to be more significant. Thus, media are substantially more likely to cover these types of decisions. In contrast, though the court may hear far more statutory and procedural cases in a given year, the other branches of government can more easily alter these decisions. Thus, a rational media with limited resources devotes less news space to such cases.

Having established this dichotomy, the significance of the additional case facts suggests that other characteristics may act as cues to separate the decisions that are most significant from those that may be resolved or simply procedural. These characteristics include unanimity, whether the case is signed, and whether a lower court's decision was altered in whole or in part.

The statistical and substantive significance of the media characteristics are also noteworthy. It should be no surprise that cases decided in cities with larger circulation papers, which are more likely to have more staff and news space, are more likely to receive news coverage. But the findings about cases decided in cities with locally owned newspapers and multiple newspapers are especially important.

In the past, it was common practice for most large cities to have two newspapers. In many cases, one of these papers was published in the morning and the other was

published in the afternoon. For example, before their merger in 1991, the city of Little Rock had the *Arkansas Gazette*, which was published in the morning, and *Arkansas Democrat*, which was published in the afternoon for most of its history. Local families or individuals also owned many of these newspapers. But the numbers of both locally owned newspapers and two newspaper cities have steadily declined over the last several decades (see Editor and Publisher, 1998).

If the trends toward media consolidation and joint operating agreements continue, it is possible that the amount of coverage of state supreme courts could suffer. This change could potentially create a public that is vastly unaware of the activities of one of the major branches of their state government. More extremely, a lack of coverage of the actual day-to-day business of state supreme courts could contribute to increasingly personal and political judicial elections. In turn, this may have consequences for the independence and accountability of state court systems.

The process of holding a judicial election may also increase the quantity and quality of news coverage received by citizens. But as these contests become more polarized and more costly (Goldberg et al., 2005), state legislatures inevitably consider how the states' selection systems can be reformed to maintain the integrity of the judicial process. One common proposal is for states to move away from holding elections, choosing instead to appoint judges, or to use a hybrid selection model such as the Missouri Plan. However, this analysis suggests that these changes may have potential consequences for citizens' awareness of the business of their judiciary.

## CONCLUSION

This analysis uses data on state supreme court decisions to examine how a variety of variables affect media coverage of the judiciary. The results are consistent with the hypotheses that case facts, media characteristics, and judicial characteristics exert statistically significant effects upon the probability that a case will receive news coverage.

Further research is necessary to more completely understand how case facts and institutional features affect public knowledge of the activities of the judiciary. The State Supreme Court Data Project and the news-coverage variable provide a unique opportunity to consider a range of these questions. Future research could benefit from several modifications or additional directions.

First, broadening the current analysis to include not only state-capital papers but also other major state newspapers would be an interesting way to further explore how media characteristics affect coverage of the courts. Considering whether each paper is a national, regional, or local news source may have an impact on the type and quality of coverage it provides. And papers that are further removed from the day-to-day business of the state capital may be less aware of the norms of the policy process, such as the distinction between constitutional and statutory cases.

In addition, scholars should move beyond simply considering whether a case received coverage. In an analysis that examined the intensity or type of coverage, researchers could learn a lot more about how the business of the courts is being repre-

sented to the public. Scholars would also be able to identify the types of cases that the public is most likely to be familiar with and to consider how this familiarity affects policy making both in the courts and in other institutions of state government.

Finally, an analysis that considered the effects of contextual variables such as media and judicial characteristics on coverage of a broader range of courts—from the U.S. Supreme Court to lower state courts—would shed greater light on how the political environment affects Americans' political knowledge. Such an analysis would also provide a unique opportunity to study not only the effects of the variables considered here but also the effects of institutional prestige on media coverage. **jsj**

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