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Proposed Statement of Principles for the Wyoming Bar Association and Wyoming Press Association

Wyoming State Bar

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PROPOSED STATEMENT OF PRINCIPLES FOR THE WYOMING BAR
ASSOCIATION AND WYOMING PRESS ASSOCIATION

P R E A M B L E

1. To promote a better understanding between the Wyoming Bar and the Wyoming Press, particularly in their efforts to reconcile the constitutional guarantee of freedom of the press and the right to a fair, impartial trial, the following statement of principles, mutually drawn and submitted for voluntary compliance, is recommended to all members of both professions in Wyoming.

2. The Bar and Press recognize that freedom of the press is one of the fundamental liberties guaranteed by the First Amendment to the Constitution of the United States. We recognize that this basic freedom must be zealously preserved and responsibly exercised, subject only to those restrictions designed to safeguard equally fundamental rights of the individual.

3. The Press and the Bar are obliged to preserve the principle of the presumption of innocence for those accused of a crime until there has been a finding of guilty in an appropriate court of justice.

4. The Bar and the Press believe members of an organized society have the right to acquire and impart information about their mutual interests, but agree this right should be exercised with discretion when public disclosures might jeopardize the ends of justice, the rights of individuals or public security.

5. The Press and Bar recognizes that instances may arise in which the disclosure of names of people involved in matters coming to the attention of the general public might result in personal danger, harm to the reputation of a person or persons, or unjustified notoriety to an innocent third party.

6. It is the responsibility of the Bar, no less than the Press, to support the free flow of information, consistent with the principles of the Constitution and this Preamble.

7. Proper journalistic and legal training should include instruction in the meaning of constitutional rights to a fair trial, freedom of the press, the right of privacy and others, the teaching that all such rights are equal and compatible in the interests of substantial justice, and the role of both newspapermen and lawyer is guarding these rights.

STATEMENT OF PRINCIPLES

A. The Press has the right and the responsibility to print the truth, and to avoid half truths.

B. Parties to litigation have a right to have their causes tried fairly in Court by an impartial tribunal and defendants to criminal cases are guaranteed this right by the Constitution of the United States and the various states.

C. No trial should be influenced by the pressure of publicity from the press nor from public clamor, and lawyers and newspapermen alike share the responsibility to prevent the creation of such pressures.

D. The Press should balance the demands of objectivity and accuracy with the demands for fair play. The public has a right to be informed. The accused has a right to be judged in an atmosphere free from undue prejudice.

E. The proceedings of the court shall, with certain exceptions, be open to the public. The Judge is charged with the responsibility to preserve order and to see that justice is in no way obstructed.

F. Bearing in mind that the communications media are charged with the responsibility of observing and correctly reporting the facts adduced and are not participants in the trial, the judge in setting the standard of decorum in the court shall make decisions concerning the use of cameras and broadcasting equipment. The judge may permit the use of such equipment only if he determines that justice will not be obstructed or a person's right of privacy will not be invaded thereby.

G. The right to a public trial is to prevent secret trials and star chamber proceedings away from the public scrutiny. The public, too, is entitled to know how justice is being administered.

H. Decisions about handling the news rest with editors, but in the exercise of news judgments, the editor should remember that:

1. An accused person is presumed innocent until proven guilty.
2. Readers are potential jurors; and during a trial, jurors may be readers of the newspaper's account of the trial.
3. No person's reputation should be needlessly injured.
4. The right of privacy awarded each individual should be recognized and preserved.

I. In support of the free flow of information to which the public is entitled, the lawyer should bear his share of the responsibility in protecting the public's right to know.

J. No lawyer should exploit any publicity medium to enhance his side of a pending case, nor should any public prosecutor take unfair advantage of his position which is an important source of news.