



Court And Agency Records

This is a summary of a presentation at the 2008 national conference of the Society of Environmental Journalists.

Jim Hecker, environmental enforcement director for Public Justice, a non-profit public interest law firm, said environment reporters should consult:

- Citizens' notice letter, which summarizes the plaintiff's suit
- Motion for preliminary injunction
- Plaintiff's summary judgment brief
- Experts' reports
- Trial briefs

Reporters who attend a trial should pay close attention to:

- Opening and closing arguments
- Testimonies by key expert witnesses

If the decision is appealed, reporters should obtain the appellate briefs.

Hecker recommended that reporters:

- Contact Public Justice when documents are unavailable, a highly effective program for obtaining closed documents for the public interest.
- Get to know an environmental or public interest attorney. They often can update you on a case, direct you to useful documents and help make sense of those documents.
- When regulatory agencies hold a public comment period before a decision, pay special attention to comments by scientists and other regulatory agencies.

Mike Mansur, editor of *SEJournal* and a reporter for *The Kansas City Star* offered this advice on using court and agency documents:

- Learn about the availability of court records in your state.
- Be fair. Both sides lay out a case in court records.
- Compare records of federal and state agencies. Sometimes one is more open.
- Speak with whistleblowers. Visit the U.S. Merit Systems Protection Board, which shields federal whistleblowers, at www.mspb.gov
- FOIA the FOIA. File a FOIA request for all FOIA requests in the past month, six months, year, etc. Lawyers and other agencies make requests. Finding out what they're interested in is a good way to find stories and trends.
- Keep an eye on a few interesting cases while you're working on other stories

(Reported by Andy McGlashen, MSU Knight Center for Environmental Journalism)