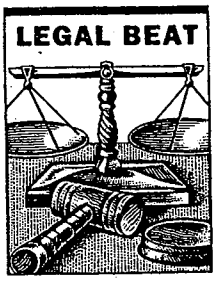
Plan to Put TV Cameras in

By Ann Hagedorn
And Amy Dockser Marcus
Staff Reporters of The Wall Street Journal

Federal courts may soon follow most state courts in opening their doors to the scrutiny of television viewers.

A committee of federal judges has issued a report recommending that cameras be allowed in federal courtrooms on an experimental basis. The plan, which requires the approval of the U.S. Judicial Conference, would allow cameras into civil proceedings in six district courts and two appeals courts for three years. The courts would participate on a volunteer basis beginning July 1, 1991.



Timothy Dyk, a Washington attorney who represents a coalition of news organizations including the National Association of Broadcasters, C-Span and several newspapers, has been trying to persuade the U.S. Judicial Conference to permit cameras and other broadcast equipment into federal courtrooms for nearly seven years. The Conference is headed by Chief Justice William Rehnquist and sets rules for all nonmilitary federal courts except the Supreme Court.

The Judicial Conference will decide whether to authorize the plan at its September session. Advocates believe that the experiment has a good chance of getting approval. In a May 7, 1990, letter to U.S. Rep. Robert W. Kastenmeier, a proponent of cameras in the courts, Chief Justice Rehnquist wrote, "I am by no means averse to the idea of the sort of experiment with television and radio coverage in federal courts which you describe."

Proponents of cameras in the courts have long argued that the benefits include public education and the incentive for courts under the watchful eye of the public to work more efficiently. They say that modern cameras and state-of-the-art lighting and sound equipment permits broadcasters to work without being intrusive.

"The benefit is that it takes the mystique and elitism out of the law and puts the law on a level of everyman," said James Goodale, a New York attorney and media specialist.

According to Mr. Dyk, 45 states allow cameras in their courts. "The federal courts are about to enter the electronic age," he said. "What having cameras means in part is that the public will have greater confidence in the judicial system by seeing how it works."

Opponents fear that lights, cameras and microphones might disrupt courtroom proceedings. They also worry that the broadcast media might misinterpret or trivialize legal issues and that jurors and witnesses might alter their performance if they are televised.

The committee that proposed the plan, the Ad Hoc Committee on Cameras in the Courtroom, recommended against opening the courts to cameras last fall. The committee's chairman, U.S. District Judge Robert Peckham, of San Francisco, couldn't be reached for comment.

Two people familiar with the decision said that lobbying efforts by Steven Brill, president of the American Lawyer Media Limited Partnership, in which Time Warner Inc. is a limited partner, may have influenced the committee to change its position. Mr. Brill is planning to launch a 24-hour cable channel primarily devoted to live trial coverage.

"The argument is basic," said Mr. Brill. "If there's one branch of government that is meant to be public, it's the courts. . . . The strength of a democracy is based on people knowing what's going on."

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FEDERAL APPEALS COURT rules lender is not liable for waste cleanup.

The Ninth U.S. Circuit Court of Appeals in Portland, Ore., ruled that the Port of St. Helens, a municipal corporation that issues revenue bonds to promote industrial development in St. Helens, Ore., is not liable for the cleanup of hazardous waste on property that it owns.

The decision marks the second time that a federal appeals court has ruled on the scope of an exemption in the federal Superfund law that shields lenders from liability when they have a security interest in a company but don't participate in its management. Under Superfund, those who own or operate contaminated sites are responsible for cleaning them up.

In the decision, the appeals panel ruled that the port did not have to pay the cleanup bill because it had not exercised any management authority at the site.

Environmental lawyers said the decision is significant because it appears to conflict with a May ruling by a federal appeals court and could set the stage for a challenge in the U.S. Supreme Court. An Atlanta court found lenders do not have to be involved in the day-to-day operations of a facility to incur liability.

In the current case, the port issued bonds in 1981 to Bergsoe Metals Corp. of St. Helens to finance the construction of a recycling plant. The port holds the title to the property.

In 1986, Bergsoe was put into involuntary bankruptcy proceedings. By that time, state environmental authorities had determined that the plant was contaminated with hazardous waste.

The bankruptcy trustee sued East Asiatic Ltd. of New York and East Asiatic Inc. of Copenhagen, former shareholders of the company, seeking to hold the companies liable for the cleanup. (That case is still pending.) Those companies then sued the port, alleging that the port is liable for the cleanup costs.

In a key finding, the appeals panel rejected the plaintiffs' argument that the port is not covered by the exemption because it negotiated the building of the plant and maintained the right to inspect the site.

The court wrote that "merely having the power to get involved in management, but failing to exercise it, is not enough" to incur liability under Superfund.

"The opinion should comfort lenders because it distinguishes between the power to manage and the actual management of a borrower's operation," said Lawrence P. Schnapf of the New York firm Lord Day & Lord, Barrett Smith, an environmental lawyer not involved in the case.

Elizabeth Conklyn, of the Seattle firm Bogle & Gates, a lawyer for the plaintiffs, said that her clients had not decided whether to appeal. "It is our position that the port took sufficient action to indicate it might be liable," Ms. Conklyn said.

A lawyer for the port couldn't be reached for comment.

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APPEALS COURT WIPES OUT $26.6 million award to Eli Lilly.

The U.S. Court of Appeals for the Federal Circuit vacated a lower court's finding that Medtronic Inc. infringed on an Eli Lilly & Co. patent, and dismissed a related 1988 $26.6 million damage award.

The ruling was expected because the U.S. Supreme Court in June found in favor of Medtronic's central argument in the case, and sent the matter back to the court