

2008

Celebrities: Who they are, how they gain popularity, and why society is so fascinated with them and their court cases

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Celebrities: Who they are, how they gain popularity, and why society is so fascinated with them and their court cases

Abstract

This paper is an exploration of celebrity justice. Many different definitions of the term celebrity exist, as do many different views on what exactly constitutes celebrity status and the role those of this status plays in society. Additionally, the advantages and disadvantages of publicity regarding celebrities are disputed. Having celebrity status can both be beneficial and detrimental to the welfare of the celebrity. Studies show that when involved in a trial, publicity can actually harm the celebrity because of the bias the media can create in the mind of the public. This pretrial publicity leads to more convictions for celebrity defendants. Also, celebrities tend to receive harsher punishments from judges who want to uphold the image of the judicial system and avoid appearing to give celebrities preferential treatment. This paper analyzes the reasons behind the perception of preferential treatment for celebrities and the outcomes of court cases involving these celebrities.

Degree Type

Open Access Senior Honors Thesis

Department

Communication, Media and Theatre Arts

First Advisor

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Keywords

Celebrities, Celebrities in mass media, Trials United States

Subject Categories

Communication | Other Communication | Social and Behavioral Sciences

Comments

Additional Honors Advisor: Dr. Dennis Patrick

CELEBRITIES: WHO THEY ARE, HOW THEY GAIN POPULARITY, AND WHY
SOCIETY IS SO FASCINATED WITH THEM AND THEIR COURT CASES

By

Kristina Gregory

A Senior Thesis Submitted to the

Eastern Michigan University

Honors College

in Partial Fulfillment of the Requirements for Graduation

with Honors in Political Science

and Communication and Theatre Arts

Approved at Ypsilanti, Michigan, on May 2, 2008

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ABSTRACT

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Title: Celebrities: Who They Are, How They Gain Popularity, and Why Society is so Fascinated with Them and Their Court Cases

Length: 45 pages

Completion Date: May 2, 2008

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Section 1. What exactly is a celebrity?

When one looks up the term “celebrity” in the Merriam-Webster Dictionary, one will find it first next to the definition: “the state of being celebrated,” with the additional definitions of “a famous or celebrated person,” and “a person of distinction or renown” (Merriam Webster 1). Somehow, these definitions do not do much to account for the generally and socially accepted image of celebrities – red carpets, couture clothing, flashing lights, expensive cars, and high salaries, especially since the initial definition refers to a state of being instead of referring to a person. The definition of celebrity pertaining to a state of being is not the focus of this study, so this definition can be disregarded. Even with this elimination, the definition of celebrity as a person, which is the focus of the paper, remains vague. To further understand the term celebrity, one must understand what Merriam-Webster’s dictionary means by the term “celebrated” as it is an integral part of the definition of celebrity. According to Merriam-Webster, the definition of “celebrated” is “widely known and often referred to” (Merriam Webster 1). The definition – a person who is widely known and often referred to – still does not seem to encompass all of the aspects of celebrity that society has come to associate with the term. To attempt to comprehend this term and dispel any vagueness that remains, other definitions of the term must be examined.

Irish author and dramatist William Butler Yeats described a celebrity as a “smiling public man” (qtd. in Blake 723). He was not the only person who made attempts to define this term. Another definition of the term celebrity is “actors of a

certain rank, performers who had reached the top rung of an insular profession” (Newbury 257). An insular profession is a profession that is detached and stands alone. In this case, an insular profession is one that stands apart from the rest of society. For a celebrity, their professions – often actors/actresses, musicians, and other high-profile careers – are ones that do seem detached from the rest of society as they are professions that are accessible to only a select few.

Section 1A: Celebrities as role models.

An additional definition of the term celebrity is the following: “potential role models for public behavior or people whose public and private lives were interchangeable” (Newbury 257). The first part of this definition is a moot point in today’s society. In previous decades and generations, celebrities may have been role models for their societies, but the idea of celebrities as role models is an arguable idea in today’s society. Today, celebrities are often linked with bad behavior – drugs, violence, and other crimes. This bad behavior is enough to make discerning parents hope that celebrities are not role models to their children. Sometimes however, no matter how much trouble a celebrity becomes involved in, a celebrity can still serve as a role model for impressionable people. Young girls dress in such a fashion so as to imitate their favorite celebrities. For example, when the “Baby One More Time” music video by Britney Spears first aired, many young women tied up the front of their shirts and hiked up their skirts so that they looked like Britney did in the video.

Section 1B: The difference between heroes and celebrities.

The behavior of celebrities, however, was once something that society hoped to emulate. This notion pertains to an earlier time during which the terms celebrity and hero, which now have distinct and separate meanings, were synonymous.

Celebrity and hero no longer have the same meaning. Author Daniel J. Boorstin attempted to clarify the difference between celebrity and hero in his book *The Image*:

Daniel Boorstin defined the basic difference [between heroes and celebrities] as that between well-knownness for its own sake (modern celebrity) and fame as the product of greatness (old-fashioned heroism). “The hero was distinguished by his achievement,” wrote Mr. Boorstin, “the celebrity by his image or trademark.” Or, in Mr. Boorstin’s now oft-quoted statement, “The celebrity is a person who is known for his well-knownness.” (qtd. in Gabler 1)

As a hero is someone “distinguished by his achievement,” one can hope to emulate heroes. This desire of the public to imitate heroes is the difference between heroes and celebrities. Being known for one’s well-knownness, as a celebrity is according to Boorstin, leaves the term celebrity open and applicable to people that have performed deeds much less worthy of emulation, yet deeds that have somehow contributed to the notoriety of their person.

Others have attempted to describe celebrities with the phrase: “people who take the national stage, do their act and leave, invited to return only when they have something new to perform” (Gabler 2). This description comments on the relationship between the public and celebrities. Celebrities would not be celebrities

without public support and the ability to intrigue the public. It is as much a contribution of endorsement of the celebrity by the public that makes celebrities who they are as the contribution of the deeds that make them famous by the celebrities. Without the support of the public and public interest and infatuation, a celebrity cannot be a celebrity.

Andy Warhol once stated that everyone has his or her fifteen minutes of fame, and for celebrities, this is true as well. Celebrities can easily be placed in the public eye by the media, but maintaining celebrity status can be difficult. Once a celebrity is on the national stage, the public loses interest in that person after a while. It is only when celebrities have something else with which to entertain the public from the public stage that their status once again returns and their notoriety becomes reestablished. When celebrities have something to offer the public that the public is interested in them.

Section 1C: Public figures.

In the law, celebrities are put into a category that is known as public figures. This term is used when defamation of character issues are surrounding celebrities. The American Heritage dictionary defines a public figure as “a famous person whose life and behavior are the focus of intense public interest and scrutiny,” WordNet as “a well-known or notable person,” and Merriam-Webster’s Dictionary

of Law as “an individual or entity that has acquired fame or notoriety or has participated in a particular public controversy” (“Public Figure” 1).

In the law, there is also a classification of people called limited public figures. There is a difference between a public figure and a limited public figure. A person becomes a public figure as a result of publicity, whether the publicity was invited or not. A public figure is someone who is widely recognizable. A limited public figure is someone who has engaged in “actions which generate publicity within a narrow area of interest” (Expert Law 2). For instance, Catherine Zeta-Jones would be considered a public figure because her name is widely recognizable to people of different interests and geographic regions. Devin Hester, wide receiver for the Chicago Bears football team, would be considered more of a limited public figure as he is only well-known to the community interested in football, specifically Chicago Bears football. Either way, both public and limited public figures are made so by the media.

Section 1D: Celebrities and the media.

In contemporary society, it is relatively impossible to turn on the television or pick up a newspaper without finding mention of some celebrity and his or her new deeds or misdeeds. This is because of the proliferation of media regarding celebrities.

The aforementioned Daniel Boorstin further comments on celebrities insofar as how they are affected by the public. ““Celebrities are human pseudo-events,” for like an advertising or public relations campaign, they see their stature as being relative to the “machinery of public information”” (qtd. in Boorstin 720). This description of the status associated with being a celebrity confers upon the status a quality dependent upon public information, something otherwise known as publicity. There exists a symbiotic relationship between celebrities and the media. The media can make a celebrity, and in turn, celebrities give the media something about which to report. This is part of the reason why some people become celebrities, while others maintain their “average Joe status.” If the media does not believe that someone is newsworthy, the media will not choose to report on that person. If the media chooses not to report on a person, this person does not have public exposure, and without this public exposure, that person cannot become a celebrity.

Section 2: What is the media?

The issue to now consider is what exactly comprises the media. In one dictionary, media is defined as “the means of communication, as radio and television, newspapers, and magazines that reach or influence people widely” (Dictionary.com 1). This definition comments on the multi-varied nature of media. The media includes news programs, television shows, tabloids, magazines, radio shows, newspapers, and more. This multi-varied nature is commented on by an

additional definition of the term. “Media, like *data*, is the plural form of a word borrowed directly from Latin. The singular, medium, early developed the meaning “an intervening agency, means, or instrument” (qtd in Dictionary.com 2). This definition of media “was first applied to newspapers two centuries ago. The use of media as a “singular collective noun” started to appear in the 1920s. Sometimes the plural form, medias, was used. “This singular use is now common in the fields of mass communication and advertising, but it is not frequently found outside them” (Dictionary.com 2).

According to the American Heritage Dictionary, the term media also encompasses those who use it. Another definition of media is “the group of journalists and others who constitute the communications industry and profession” (Dictionary.com 1). This term has become so associated with the personas that aid in promoting the media that the term is now used to describe those faces in addition to the machine that employs those personas.

Section 2A: Media as a primary agent of socialization.

Media is influential in nature. The media tells us what to think and how to feel about the situations that the media presents us. It can do this because the media is a primary agent of socialization. (Palmer 2) “Specifically, socialization refers to the ongoing process by which people learn attitudes, values, and behaviors consistent with their social setting” (Palmer 2). The media falls into play as an

agent of socialization. “In a developed society, the media is considered among a person’s chief socialization agents. This role is largely determined by the extensive penetration of the media into daily life” (Palmer 2).

The media shapes how people think and behave. It can do so because of the large reach it has in people’s lives. Because people are so surrounded by the media, it is natural for them to be influenced by it. It would be virtually impossible to avoid exposure to media in today’s society, and it is because of this great amount of exposure that the media can affect us so thoroughly.

Because of the aforementioned influential nature of the media, it has been stated that it is the media who makes and breaks celebrities. Referring again to author Boorstin, he “chalks modern celebrity up to media manipulation that hoodwinks the public” (Gabler 2). This gives an inordinate amount of power to the media in the establishment, maintenance, and destruction of celebrity status. The media may choose to downplay certain celebrities or facts of their existence while choosing to sensationalize others. The media certainly holds a great amount of responsibility for elevating people to the status of celebrity because of the control of the public’s exposure to certain information.

Section 2B: Celebrities and their link with culture.

Some scholars associated the rise in the number of celebrities and their increased notoriety to the surge of mass media:

The rise of mass media immediately generated a class of national celebrity – names and faces desperately needed to fill the maws of the new media and keep audiences interested. Viewed as the first shared references in our mass culture, celebrities constituted a kind of American repertory company in which a Charles Lindbergh or a Mae West could always be counted upon to attract readers. Viewed in more ruthless economic terms, these movie stars, athletes, artists, journalists and socialites were human commodities, if not quite manufactured for the purpose of tantalizing us with their escapades, at least seized upon and exploited for that purpose. (Gabler 1)

This expert establishes two main points. Firstly, celebrities are inherently linked with the culture from which they stem. Cultures have specific norms, customs, and values to which a celebrity must adhere to be considered a celebrity. These values evolve with a society over time, and because of the dynamic nature of these values, celebrities often fade in and out with the times. “When times change, when values change, the most famous figures can be rendered anachronistic and discarded like human zoot suits” (Gabler 3). Celebrities, like clothing, go in and out of style. Style is also heavily influenced by the media because the media tells people what looks good and what is in style. Some styles go in and out of fashion, some styles never resurface after their initial time at the top, and some styles are classic and acceptable all throughout time. Celebrities, because the media also tells the public “Who’s Hot and Who’s Not,” fluctuate in and out of style, just as bellbottom jeans.

Also like certain articles of clothing, there are some celebrities that seem to hold their status throughout the passage of time and the evolution of culture.

Scholars assert that these celebrities must possess some sort of timeless quality that is as appealing in the 1980s as it is in the 2000s.

As the wheel keeps turning, the celebrities who last – and there are very few of them – are not necessarily those whose achievements are the greatest. They are the ones who manage to embody something so timeless and transcendent that they are beyond fashion, beyond the loop, beyond celebrity. They are individuals whose images stubbornly refuse to yield to the new – people like Fred Astaire and Babe Ruth and Ernest Hemmingway. Their images freeze in our consciousness while the parade of lesser celebrity continues on its way to obscurity. (Gabler 3)

Section 2C: The media as a business.

Media coverage of celebrities is a lucrative exploit for the media companies. The media is a business as well, and the general public is its target audience. As any other business, the media must make money to operate. Also like other businesses, to make money, the media targets its audience to do so. It finds out what its audience wants and uses this knowledge to make money. In the media's case, the media just shows the public what it wants to see, through its many mediums: radio, television, print, and etc.

The business nature of the media creates something of a symbiotic relationship between the media and the status of celebrities. Celebrities can use the media to establish or maintain their status as a celebrity, and the media can use celebrities to make money. To better understand the nature of this relationship, one can examine the dynamics of a celebrity endorsement. "Endorsement advertising not only uses celebrities, it helps make them. Anything that makes a well-known

name still better known automatically raises its status as a celebrity... for the test of celebrity is nothing more than well-knownness” (Boorstin 269). There exists a symbiosis in the celebrity endorsement deals that is not unlike the relationship between celebrities and the media. By endorsing a product, a celebrity helps to bolster sales of that product by attaching his or her name to that product. Those who are a fan of a particular celebrity are more likely to purchase a product that has been endorsed by that celebrity, and this fan behavior increases sales of that product. In turn, a celebrity who does an endorsement aids his or her own celebrity status in that the celebrity helps to greaten and intensify his or her amount of publicity, and thus, his or her “well-knownness.”

As previously mentioned, the media uses celebrities to make money. Because the media is a business, to thrive financially, the media must market what is most appealing to its audience, and often that seems to be news of celebrities. If the general public likes celebrities, the media will make sure to focus on celebrities, this focus, because of its appealing nature, being lucrative for the media.

Section 3: A celebrity-obsessed society.

The unfortunate truth of contemporary society is that it is celebrity-obsessed. People like celebrities, and so the media does make celebrities a main focus on the television, radio, print, etc. There are many reasons why people have such an interest in the lives of the rich and famous. To understand these reasons, we

must start with the beginning – when society began to move toward what it is now in terms of the idolization of celebrities.

It was in the 1920s that the mass media “transformed the relationship between Americans and their public figures” (qtd. in Newbury 276). The media capitalized on “professional sports, network radio, and Hollywood motion pictures,” and “the press and its syndicated gossip columnists produced a desire to know the renowned – who they were and how they lived and what they thought” (qtd. in Newbury 276).

This desire grew as time progressed. It intensified, grew stronger, and extended its boundaries. Today, society’s magazines feature celebrities on their covers and within their pages. News programs have special spotlight segments that focus solely on celebrity news, and there are even programs such as “E!” and “The Soup,” which have the sole purpose of reporting on celebrities. Tabloids line our supermarket aisles with headlines like, “Britney Spears, Pregnant Again,” “Angelina Jolie, Too Thin?” and Lindsay Lohan, Back on Drugs?”

Section 3A: Knowledge of celebrity affairs raises self-importance.

Society has such a strong pull and interest in the affairs of celebrities; there must be one or more reasons to explain this interest. “One reason we read gossip, scavenge tabloids, watch “Hard Copy” or pore through Vanity Fair, one reason we care about celebrities at all is so we can feel as if we are in the know, part of the

national loop” (Gabler 2). We do this because gaining knowledge of celebrities “is a means of asserting our worth, as if knowing who the newest celebrity is gives us one up on those who don’t know” (Gabler 2). In this way, people within a society want to collect and display great knowledge of celebrities and their doings to seem knowledgeable on the topic, this knowledge establishing self-importance in the mind of the person amassing the knowledge. The more knowledge one can amass of celebrity happenings, the more important one can make himself or herself feel by virtue of this knowledge. This is why people crave large amounts of information about celebrities and their lives.

Section 3B: An interest in interesting affairs.

Society enjoys hearing about the lifestyles of the rich and famous, for many more reasons. One reason is that people find the lifestyles of celebrities fascinating. Another reason people have such great interest in the lives of celebrities is that society may live vicariously through celebrities. Non-celebrity people cannot experience the glamour and wealth that celebrities do on a daily basis. There are aspects of a celebrity’s life that people do not want to vicariously experience. This leads into another reason why people are so engrossed in the lives of celebrities.

People have a certain amount of *schadenfreude* when it comes to the lives of celebrities. *Schadenfreude* is a German word with no exact English equivalent. In essence, *schadenfreude* describes the pleasure one derives from witnessing the

misfortune of others. It is also a sense of, “I’m glad that is happening to you and not me!” *Schadenfreude* is what people feel when they watch shows like America’s Funniest Home Videos – people laugh when they see others fall off of a trampoline or get hit in the head. This enjoyment gained from watching the pain of others is *schadenfreude*. This sense of *schadenfreude* heightens when unfortunate occurrences happen to those who are normally more fortunate, which is why people enjoy so much the pitfalls of the celebrities. Celebrities have a longer way to fall.

Section 4: Celebrity trials.

One such fall of celebrity experience enjoyed by society is a celebrity trial. The media, because the public so enjoys celebrity trials, capitalizes on celebrity trials. As previously discussed, the media can choose what information to provide to the public and what information to keep from the public, and a large part of the media’s decision in choosing what and what not to provide the public is in deciding what information would be the most profitable to publicize for the media. Because so many people enjoy celebrity trials, the media often chooses to publicize these trials. Many assert that the media should be focusing on issues more important than celebrity trials, such the current situation in Iraq. (Chiasson 2003) Many feel that ‘media attention to “trials of the century” diverts the public from considering more substantive matters’ (Chiasson 2003). One such person is Christine Amanpour, a television journalist who reported on many of the wars of the 1990s. She is quoted saying: “It is not OK for the press to focus inordinate amounts of attention on the

O.J. Simpson case and virtually ignore the massacre of between 500,000 and 1 million Rwandans” (Chiasson 203).

Even though there are more important matters about which Americans could be informed, the media reports what it does to make money. “It has been well established that, in market-driven journalism, the media must give the public what it wants rather than what it needs” (Chiasson 203). The bottom line is that providing Americans with what they want is more financially beneficial than providing them with what they need.

Section 4A: Public obsession with reality television.

Speaking of what the public wants, currently, reality shows are the popular new wave. The public is barraged with shows such as Survivor, Big Brother, and Real World to satiate this interest in reality television and so that the media can capitalize on this interest. This interest can also be satisfied with broadcasts of live court cases because ...broadcasts of live court cases, though less stimulating, likewise reflect the public’s newfound taste for real-time video” (Wilber and Trippe 147). In addition to this interest in the real-life drama that can be witnessed in a courtroom, the public has also developed a taste for seeing the law in action. Broadcast court cases can also provide the public with a glimpse into the ways in which the law really operates.

In recent years, news telecasts of the William Kennedy Smith trial, the Oliver North, Iran-Contra investigations, and the Anita Hill,

Clarence Thomas hearings have given viewers some idea of how the law really works. Such shows as *L.A. Law*, while neatly packaged for a one-hour drama slot, also reflect a certain drift toward the days when Perry Mason¹ triumphed in every case he tried. (Wilber and Trippe 147)

Society's high regard for television depicting the courtroom can be further established with the amount of movies relating to this topic currently in circulation. These movies include, but are not limited to the following: *A Few Good Men*, *The Firm*, *Madame X*, *A Place in the Sun*, *Inherit the Wind*, *Mr. Deeds Goes to Town*, *Adam's Rib*, *The Caine Mutiny*, *To Kill A Mockingbird*, *Twelve Angry Men*, *Kramer vs. Kramer*, *The Bedroom Window*, *Witness for The Prosecution*, *And Justice For All*, and *The Verdict*. (Wilber and Trippe 148) These are just a few of the movies where Hollywood aims to depict the courtroom and the drama within its walls. These movies, even with their spectacular sets of actors and actresses are still wholly unable to capture the real drama that a camera inside an official courtroom could capture with its lenses. Because contemporary society appreciates real-life drama over fictionalized drama created by writers, directors, and actors, society flocks more toward the real-life drama of a celebrity in a courtroom.

Gulam Sohail, partner and head of criminal law at a firm in the West Midlands of England is quoted saying:

¹ Perry Mason was a defense attorney thought up and written into multiple works of fiction by author Erle Stanley Gardner. In Stanley's books, Mason typically legally represented someone who was accused of murder, and Mason, through his formidable talents, was able to prove his client's innocence by proving another person's guilt

The public seem to have become obsessed with celebrities on trial. Over 140 million American people tuned in to hear the delivery of a not guilty verdict in the O.J. Simpson case in which he was accused of murder of his wife in 1995, while media coverage and interest in the Michael Jackson case eclipses any standard for level of interest in them. (Clark 5)

There are many reasons for contemporary society's interest in trials. One scholar identifies the following reason for such interest: "It is the combination of wealth, glamour and extreme notoriety that make cases such as this...so interesting to the general public" (Clark 5). Society enjoys the glamour, wealth, and extreme notoriety of celebrities without adding the drama of a trial. Once a celebrity is involved in a trial, the combination of all of these factors makes a celebrity trial even more appealing to the public.

Section 4B: The clarity of a trial's verdict.

Another reason that aids in explaining the appeal of celebrity trials to the general public is that even though law operates in shades of grey, the verdict of a trial is clearly black or clearly white, and this clarity is appealing to a general public that rarely finds anything in life to be clearly black or clearly white. "Like a sports event, a trial ends with a clear-cut winner and loser" (Chiasson 204).

People enjoy how clear and simple the outcome of a case can be. The clarity of the verdict of a trial counters the extreme lack of clarity in real-life situations. "Unlike life with all its shades of grey, a trial is black or white, someone is guilty or

innocent; there is a crime, there is a justice, there is punishment” (Chiasson ix).

Trials can also provide a dash of simplicity in a complex world. “Perhaps it is the simplicity most of us find so compelling, and perhaps that is the reason trials so often grip our attention” (Chiasson ix).

Section 4C: Hope for justice.

Another theory attempting to explain the public’s intense appreciation of trials is that as a society, people value and continually strive for justice, no matter how unattainable that concept may be. It is when society is able to believe that justice truly exists, that they are satisfied and thus enthralled and appreciative of that justice and the circumstances surrounding how this justice came about.

Perhaps the intoxicating mystery of a trial is that elusive concept called *justice*... It is what we blindly stumble after in life and what we hope to attain in court. It may be wishful thinking, of course, to believe that we can bottle and dispense in a courtroom what we can hardly identify in life, but God bless us, we try. (Chiasson ix)

Section 4D: Celebrity trials are culturally significant.

Another reason for society’s interest in trials refers back to one of the aforementioned characteristics of a celebrity. Just as a celebrity, so too are cases culture-bound and culturally significant. “Trials are also cultural events, which is probably why they interest the public so much” (Chiasson 204). It is natural for people within a society to be interested in the culture in which they thrive and

operate. Our preoccupation with these trials reflects not so much an interest in the individual event, but in the American landscape at that point in time. Each trial reflects what is happening in America and what Americans think about it” (Chiasson 208). The crime committed in a trial and the public’s reaction to this crime helps to define the times. “Trials are the social barometers of the times” (Chiasson 208).

A society is defined by its culture. Culture helps to explain the ways in which people behave, speak, dress, and more. Culture is key to an explanation of society’s norms, ideal, and beliefs. It is no wonder that a society would be interested in a social event that adheres to the culturally-bound specifics of the time and simultaneously helps to define that culture and current time period.

Trials are very much tied to culture and time, especially where media publicity is concerned. Because culture helps to define a society’s beliefs and ideals, culture helps to influence what people in a society like and dislike. Thus, certain cases may not receive as much publicity as they do today if they occurred thirty years in the future or thirty years in the past because of the constant evolutionary nature of culture. As culture evolves and changes, the media does as well, along with the celebrity trials that the media chooses to publicize. The media is going to publicize what society will be interested in, and these interests are determined by the culture of a society. Therefore, the trials aired by the media are determined by the culture of the society in which they are aired by the media.

Another reason why the public likes trials is that trials are in and of themselves intriguing. It is natural for someone to take interest in something that is

interesting itself. “They [the trials] have all the elements of good fiction: conflict, suspense, rising and falling action, deception and surprise, heroes and villains” (Chiasson 204). This brings another point to the surface. Trials possess these previously mentioned elements of good fiction; thus they are interesting, and as stated before, it is not surprising that the public would be interested in what is interesting. Hence, it is logical that the public would like celebrity trials.

Section 4E: Soap Operas in the Courtroom

Another reason why the public is so interested in celebrity trials is that “trials are real-life soap operas that allow the public to gawk at others’ malfeasance and tragedy” (Chiasson 203). It is this natural and inherent drama of a trial that draws people to trials, combined with the aforementioned *schadenfreude*. Drama is intriguing, but it is even more so when the element of *schadenfreude* is added. Society is able to gape at the misfortune of those whom it holds to be so prominent and special. “It’s a surreal world when American celebrities have their day in court. We just sit back and enjoy the legal soap operas being played” (Yeak 1). A publicized celebrity court case is like a soap opera with its many elements of drama, and given the continued existence of soap operas, it is very unlikely that public interest in celebrity court cases will soon fade away.

Section 4F: Drama, unpredictability, and an endless source of news.

Yet another aspect of trials that the public finds appealing is the unpredictability inherent in a trial. Jury verdicts have often countered public opinion and surprised the masses. When Michael Jackson was last on the stand, many believed that he was guilty and were shocked when the jury issued a not guilty verdict.

Judges have issued decisions that defied legal logic, attorneys have used tactics or antics that fiction writers couldn't have dreamed up, and trial participants haven't always been the quiet, respectful person they were expected to be. Juries, of course, have gone so far afield from the evidence and issued such outrageous judgments that the results actually have wound up in Hollywood. (Chiasson 1)

Again, this is an example of the natural drama and unpredictability of a trial at work. One cannot predict the sentences that may be issued by the judge after the equally unpredictable verdict of a jury. The unpredictability that is so inherent in the multi-varied plots of a trial is often why so many producers in Hollywood choose to make a film depicting this courtroom drama. Additionally, if these films were not profitable, Hollywood would not have made more than one of these films. Therefore, these films must be profitable to Hollywood.

In addition to publicizing trials to appeal to public interest and in doing so, make money, the media publicizes trials because "trials provide a continuing source of news pegs, as each witness and each new bit of evidence creates a new premise for a story" (Chiasson 204). Each new witness and each bit of evidence provides for another story to follow, and each new story leads to more occupied airtime that is of

a topic appealing to the general public. This greater amount of appealing airtime leads to a greater amount of funds for the media, and so, the media makes sure to engage in the publicizing of the many aspects of celebrity trials.

As has been previously and oft stated, publicizing trials is obviously of interest to the general public, and as such, to the media as well. One aspect of an interesting trial is an interesting participant in the trial, usually the defendant. This is one of the reasons why celebrity trials are so highly publicized. Since both celebrities and trials are lucrative to the media business by themselves, it would follow that together (thus forming a celebrity trial) the interest of the public would be greatly intensified, as would the amount of profit generated by the media from publicizing these trials.

Section 5: Problems that arise from publicity of celebrity trials.

There exist problems that have arisen from the amount of publicity generated by celebrity trials. One such issue is that many of the lawyers defending celebrities on trial assert that this vast amount of publicity makes it harder for the lawyer to have a successful outcome in the celebrity case. (Palmer 2) This is so because as an agent of influence, the media has the power to bias audiences against or in favor of the defendants by what aspects of the celebrity case it chooses to report on and the manner in which the media reports on these aspects.

Section 5A: An unsharpened focus.

In addition to only publicizing certain aspects of a trial, the media can bias the public against a client because it often focuses on less significant or irrelevant details of a case. One such example is focusing on the fashion of those involved in the case (the lawyers, defendants, witnesses, etc) rather than the substantive facts of the case. “The media tells us what to think about as agenda-setting studies have shown, but they tell us to think about the wrong things when they devote so much space to, say, O.J. Simpson prosecutor Marcia Clark’s hair” (Chiasson 203). In reporting about details such as Marcia Clark’s hair, the media is not reporting on issues central to the trial, and this type of reporting can aid the media in distorting and skewing the perception of the case in the public’s mind. This distortion would not be a significant issue were it not for the fact that the jury – the peers that issue judgment on the defendant’s guilt or innocence – is formed from members of general public whose perceptions are being skewed by the media.

Section 5B: The Sixth Amendment.

The sixth amendment of the U.S. Constitution provides citizens with the right to a trial by an impartial jury of their peers. The media’s ability distort public perception can affect a person’s sixth amendment right to an impartial jury. If a jury comprised of people from the general public that has been barraged with news of a crime committed by a defendant, this news being possibly biased and incomplete or

improperly focused, can a juror truly remain impartial and unaffected by the media? This is a question explored and tested by many researchers. (Bruschke and Loges 105) This is also one of the reasons why judges are beginning to impose media restrictions on celebrity court cases. The judges fear the impact publicity has on the case and that the jury may not be able to remain impartial without these restrictions. These restrictions include sequestering the jury and not allowing cameras inside the courtroom. Sequestering the jury is when a judge limits the amount of to which a jury can be exposed. Basically, the judge orders the jury to ignore the media for the duration of the trial. This is not fool proof because it is very hard to ignore the media for the jury members who attempt to follow the judge's orders. Not allowing cameras inside the courtroom does nothing to eliminate any pretrial bias that the media may cause. This remedy only serves to help dissipate some of the bias that the media may create as the trial moves onward.

Section 5C: A perception of preferential treatment.

Additionally, the media have established a general bias against celebrities in the minds of the public. (Wood 1) Because of the way in which the media has chosen to publicize celebrity trials, the media has led the public to believe that celebrities always receive preferential treatment in court when this is not actually true. The media often provides the public with ample "evidence" supporting the belief that celebrities do not receive the punishments they should in court and are shown some sort of preferential treatment. This belief can lead to even more bias

against the celebrity defendant in the minds of the jurors who have power over the fate of the celebrity in the form of a verdict. Milton Hirsch, past president of the Florida Association of Criminal Defense Lawyers and adjunct professor at the University of Miami is quoted saying: “It does hurt the [judicial] system when there is the perception that the ordinary, regular guy is not going to get equal justice under the law” (Wood 2). Public perception notes the inequality of this justice of the regular man when compared with the justice that celebrities receive because the media makes it seem as though the regular, ordinary guy is not going to receive the same justice that the celebrity will. This perception is harmful to the judicial system because people become biased against the system itself, not just the defendants that pass through the system, leading to a public that does not believe in the equality or functionality of its own judicial system.

Section 6: The effects of pretrial publicity on juries.

There have been attempts to ascertain the amount of effect publicity may have on a trial insofar as biasing a jury against a defendant. “The current state of thinking appears to be that pretrial publicity influences the outcome of legal trials” (Bruschke and Loges 104-105). Many studies on the effects of pretrial publicity, also referred to PTP, have been performed. “A growing number of studies, using a variety of methods ranging from jury simulations to telephone surveys, have concluded that pretrial publicity may bias jurors against defendants” (Bruschke and Loges 104-105). These studies seem to verify concerns regarding whether or not

high-profile defendants will be awarded the impartial jury guaranteed to them by the sixth amendment, and thus impartial justice.

In one study of the effects of pretrial publicity on juries, a collection of first-degree murder cases were examined as were the effects of publicity on the jurors. This was so that the researchers might find out if publicity truly affected whether or not a defendant was acquitted or convicted. One issue that the researchers of this study came across was that not all cases, regardless of whether or not a celebrity is involved, receive the same amount of publicity. (Bruschke and Loges 112) This varying amount could affect the findings of the study, so the researchers decided to include the amount of publicity as a variable in the project. In this study, the amount of publicity was taken into consideration and divided into three categories. The divisions were done based on the number of articles a name search of the defendant involved generated in the database LexisNexis. The category None meant that no articles about the defendant were present in the database. The category Low meant one to five articles, the category Moderate meant six to ten articles, and the category High meant eleven or more articles. In addition to explanations of the different categories (None, Low, Moderate, and High) by number, the study offers further information regarding the types of publicity a trial may receive. Here the researchers attempt to identify the kind of publicity that cases receiving high publicity will receive.

Typical “high publicity” conditions include information about a prior criminal record of the defendant (e.g. Dexter et al., 1992), retracted confessions (e.g., Dexter et al., 1992; Kerr et al., 1991), or the

implication that the defendants, in a crime other than the one at trial, ran over a small child with a car (e.g. Kerr et al., 1991). (Bruschke and Loges 106)

As the level of publicity increases, the typical high publicity conditions also intensify. (Bruschke and Loges 106)

The study analyzed the effect of publicity on the outcome of a trial – that is whether or not the defendant was acquitted or convicted. The table below shows the findings of the study.

Table 1. Conviction Rates by Different Publicity Levels		
Publicity Level	Acquitted	Convicted
None	13 (21.0%)	49 (79.0%)
Low	2 (8.0%)	23 (92.0%)
Moderate	8 (32.0%)	17 (68.0%)
High	4 (18.2%)	18 (81.8%)
Total	27 (20.1%)	107 (79.9%)

Chart taken from (Bruschke and Loges 113).

As is evident within the chart, there is at least a correlation between the level of publicity and the percentage of acquittals versus convictions. “Conviction rates

between high publicity conditions were virtually identical. The overall conviction rate for all murder defendants was about 80%; for defendants without any publicity it was about 79%, and for defendants with high publicity it was about 82%” (Bruschke and Loges 114). This does show a relationship, however slight, in the percentages of people who are convicted and how much publicity those people’s trials received. In both of the high and low publicity categories, the conviction rates were higher than the rates of those who received no publicity. The level of moderate publicity, however, had a percentage of convictions that was much less than the average of 80%. This study does suggest that high and low amounts of publicity can harm a defense lawyer’s chance of success in court. The category of moderate publicity however may suggest that just the right amount of publicity can actually help a defendant, but like the story of “Goldilocks and the Three Bears”, it must be “just right,” not too little or too much.

One explanation for the results of the above study is that the lawyer’s effort may be affected by the amounts of publicity a case generates. If publicity for a case is low, a lawyer may not try as hard to defend his or her client because he or she does not believe that the amount of publicity the trial generated is enough to really harm the client’s chances of receiving an acquittal, and so because of the lawyer’s decreased efforts, the client is convicted. In cases with moderate and high publicity levels, the lawyer may put forth his or her finest efforts to combat the publicity against the client. In cases with moderate levels of publicity, the lawyer’s efforts may prove fruitful, whereas in cases with high publicity, the lawyer’s efforts may not

be sufficient enough to combat the effects the publicity has had on the public, and therefore, on the jurors.

Another study notes that pretrial publicity exposure is positively correlated with the conviction rate (meaning with the rise in publicity there is a rise in convictions). “In their recent meta-analysis of 44 studies, Steblay, Besirevic, Fulero, and Jimenez-Lorente (1999)” it was “noted that PTP [pretrial publicity] exposure yields a significant overall increase in guilty judgments” (Shaw and Skolnick 2133).

Section 6A: Effects of generalized publicity.

In addition to studies that focus on numbers and statistical data, there have been other studies that focus on further aspects of pretrial publicity. There is evidence that the publicity that affects trials need not be specific to the case.

News about crime in general has been found to have a biasing effect (Green & Loftus, 1984; Green & Wade, 1988). The news coverage does not have to be extensive, as even moderate levels of exposure have been found to influence juror opinions (Moran & Cutler, 1991). All this suggests that antidefendant feelings “bleed over” across cases and issues, a result that has been observed in multiple offense cases (Tanford & Penrod, 1982; Fulero, 1987) concluding a previous review of literature, noted that “the body of research taken as a whole demonstrates an adverse effect of PTP [pretrial publicity] on jurors.” (qtd. in Bruschke and Loges 105)

These studies suggest that even though there may not be publicity specific to a certain trial, that trial may be affected by the general antidefendant sentiments caused by previous or generalized publicity.

Section 6B: Types of pretrial publicity.

There are also different types of pretrial publicity, “such as factual descriptions of a defendant’s past criminal record or unsavory character, prejudicial statements by authorities pointing toward guilt, and emotionally charged media images that sensationalize the criminal or the crime” (Shaw and Skolnick 2132). These different types of pretrial publicity affect the public in varying ways.

Early studies of PTP [pretrial publicity] found that mock jurors who were exposed to tabloid-style, affect-laded written descriptions of a criminal defendant had more pretrial attitudes than did others who read more neutral descriptions (Holberg & Stirco, 1973; Simon, 1966). Kramer, Kerr, and Carroll (1990) found that emotional PTP was more long-lasting than factual PTP, and had a greater influence on jury verdicts. Otto, Penrod, and Dexter (1994) found that PTP concerning a defendant’s character and previous criminal record influenced jurors’ attitudes and verdicts. It also has been found that when PTP is presented on television, it has more impact than was presented in printed media (Ogloff & Vidmar 1994).

The more sensationalized, emotional, and visual the PTP, the more bias against a defendant and the more lasting the bias will be against the defendant.

Pretrial publicity is also classified into physical PTP and witness-based PTP. Physical PTP pertains to the PTP involving physical and factual evidence of a crime. For example, the knife used to murder a victim is considered physical. The

glove in the O.J. Simpson trial was physical as well. The physical PTP would include news stories that depicted or detailed these physical items. Witness-based PTP is PTP that concerns evidence provided by a witness to the crime. An example of witness-based PTP is the story of a neighbor who heard someone scream in the apartment next door being showed on television.

Section 6C: Remedies to pretrial publicity.

These studies about pretrial publicity help to validate concerns of the members of the judicial system regarding the ability of a celebrity defendant to receive a fair trial. “The significance of the experimental studies is that they have largely corroborated the Supreme Court’s and ABA’s [American Bar Association’s] concerns that publicity can bias jurors,” and the studies have also “demonstrated to some extent the process by which this bias emerges and how it resists judicial remedies (Bruschke and Loges 105).

Many attempts to remedy the effects of PTP have been put in place by legal authorities because of the great impact it can have and the common knowledge of such an impact that PTP can have on a trial. Two such remedies were previously discussed: sequestering a jury, and not allowing cameras in the courtroom. Additionally, “the American Bar Association has twice developed guidelines intended to regulate the behavior of the bar and the press (Imrich et al., 1995), but

there is little evidence that these have had a significant impact (Kramer et al., 1990, Tankard, Middleton & Rimmer, 1979)” (Bruschke and Loges 105).

These remedies do not seem to diminish the negative effect that PTP has on jury verdicts. Often juries ignore the instructions they receive from the judges insofar as ignoring media. (Bruschke and Loges 106) Additionally, jury selection (where lawyers are able to rid the jury pool of jurors whom they think may be biased) can sometimes prove very effective or very ineffective, depending on the skill of the lawyer performing the jury selection or just pure chance. “The bulk of this research to date appears to point to the conclusion that pretrial publicity biases jurors against defendants”, and the remedies currently available in our current legal system are not able to counteract this bias. (Bruschke and Loges 105)

Section 6D: Effects of pretrial publicity on sentences.

The issue of jury bias, however, is not the only problem created by PTP. The perception and sentiments of the judge presiding over a celebrity case can be just as detrimental to the outcome of the case as a biased jury because “...at stake is public confidence in the justice system, which can take a hit if citizens conclude that different rules apply to celebrities” (Wood 1). This pressure often causes judges to over-sentence celebrities in an attempt to counteract the perception of preferential treatment of celebrities. Alafair Burke, associate professor at Hofstra University School of Law in Hempstead N.Y. commented on this role of judges. “Celebs have

it easier on the front end...They have better access to quality representation, jurors are enamored, and so on.” Burke goes further to say, “However, once they’re convicted, they’re arguably treated worse because the sentencing judge, aware that a celebrity-obsessed culture is watching, doesn’t want to look soft” (qtd. in Wood 2). Additionally, the judge, still aware that the celebrity-obsessed culture is watching, is burdened with the pressure of keeping faith in the judicial system. If the judge looks soft to the public or seems to give a celebrity preferential treatment, the public’s confidence in the justice system may again be shaken.

Ralph Michael Stein, a professor at Pace University School of Law, also commented on the sentencing behavior of judges:

We are such a celebrity-driven society that when a celebrity gets into trouble – whether it’s Mel Gibson with an anti-Semitic rant or a Lindsay Lohan or a Paris Hilton for drunk driving – the system itself is put in the spotlight. Once a celebrity is arrested and the media trucks show up with the boom mikes and reporters, courts and judges all know they are going to be under the microscope... I would argue that because of this, most [judges] err on the side of too much constraint to prove they are not being preferential. (qtd. in Wood 1)

Further supporting the theory that celebrities receive harsher punishments than others because of their status is yet another study that found that “defendants with no pretrial publicity at all received much lower sentences than defendants receiving publicity” (Bruschke and Loges 115).

The media is quite culpable for this increased sentencing. The media does not always give the public the whole story and leaves details out. These details often help to propagate the general belief that celebrities receive preferential

treatment in the court system. In the recent case where Paris Hilton was in jail, then released, and then put back into jail, details of her situation were left out. When Paris was ordered back to jail, she was actually going to serve more time than most who serve time at that jail because “Boca’s county jail system has become so overcrowded that misdemeanor defendants have been serving only 0 to 10 percent of their time” (Wood 2). Confirming this statement is a Los Angeles Times report on June 14th, “calculating that Hilton will serve more time than 80% of people with similar sentences” (Wood 2). Laurie Levenson, a law professor at Loyola Law School in Los Angeles comments on the plight of Paris Hilton: “She’s a pawn in a turf right now. It backfired against her because she’s a celebrity. She got a harsher sentence because she was a celebrity. And then when her lawyer found a way out of jail, there was too much public attention for it to sit well with the court” (Waxman 1).

Section 6E: Ambitious prosecutors.

Another issue arising from the fame of celebrities that challenges the fairness of their trials is the zeal of prosecutors aiming to make a name for themselves by putting a celebrity in jail, not to mention the money that comes with doing so. Even though celebrities have the money to afford the best legal representation because of their notoriety, their notoriety still works against them.

Most acknowledge that it pays to be wealthy, because rich defendants can afford better legal counsel. But fame is another matter, and it can

counteract any advantage of wealth, they say. Zealous prosecutors can dig in, knowing they can make their career by bringing down a famous person. (Wood 1)

Section 6F: The advantage of wealth.

Speaking of the advantage of wealth, there are many reasons why celebrities do often seem to be acquitted or receive lesser sentences more frequently than others, one of which is the wealth that is a byproduct of their celebrity status. Loyola law professor, Laurie Levenson stated, “It may be as difficult to put a multimillionaire in prison as it is to put a camel through the eye of the needle” (Deutsch 28).

In today’s capitalist society, those who are wealthy have more money to spend on legal representation. In fact, legal representation is becoming so costly that according to an article in Crain’s New York Business, in contract cases alone, 9% of the defendants who went to trial did so without a lawyer because of a lack of funds needed to hire legal representation. Because of this inability to hire legal representation, some states are even considering a controversial proposal that would allow people to hire lawyers for select issues of their cases as opposed to the whole thing in an attempt to ease the financial burden. (Rivkin 17)

Continuing in the vein of wealth, it was previously established that those who are wealthy have a sufficient amount of funds to spend on legal representation, and they are able to do so on the best attorneys that others cannot afford as the higher the caliber of legal representation, the higher the bill for that representation.

Additionally, the higher the caliber of legal representation, the higher one's chance of success in court is. Therefore, it would logically follow that the attorneys that cost the most have the highest chance of success in court, and since celebrities can afford these top-notch lawyers, celebrities have a high chance of having a successful court experience.

An example of such an ability to pay for the best legal representation is the case of Phil Spector. Phil Spector was an American musician suspected of murder after the body of 40-year-old nightclub hostess and B movie-actress Lana Clarkson of Los Angeles was found at his mansion. The end of his trial resulted in a hung jury, 10-2 in favor of conviction. Spector obviously had a lot of money to spend on his trial, and in the end it paid off. He was able to hire both former John Gotti attorney Bruce Cutler and O.J. Simpson lawyer Robert Shapiro. Spector also had the resources available to hire a notable list of forensic scientists and other such expert witnesses that were able to aid in creating a reasonable doubt in the minds of the jury members. Spector's money was able to purchase an acquittal. (Deutsch 28)

If money is such an asset when it comes to being acquitted, then why do we only hear of celebrities being acquitted and not other wealthy people?

The answer here is the media. The media picks and chooses what it will present to the public, and the bottom line is that celebrity cases are newsworthy, whereas cases of ordinary wealthy people are not. Additionally, the media is able to add an entertaining spin to celebrity cases, such as implying that the celebrity's status was what procured the acquittal. In a sense, the celebrity status did aid the

celebrity, but it was really a byproduct of that celebrity status that is a more direct cause – wealth. Also, it was earlier established that the mere status of celebrity can often work against celebrities instead of aiding them. Because the media more often reports on the cases of celebrities and not those of non-celebrity status, the public then gleans the perception that celebrities are the only ones who have an easy time in court.

Additionally, the media is more likely to report on the cases where celebrities seem to be given preferential treatment because they are more newsworthy. This selective reporting makes cases such as Paris Hilton's, which as was earlier established not all that it seemed, appear commonplace. It is this selective reporting that skews public perception and makes people believe that all celebrities receive preferential treatment.

Section 7: Conclusion.

Celebrities have wealth and status, but they must deal with publicity that can bias the public against them. Celebrities can hire top quality legal representation, yet judges may grant them harsher sentences. In contemporary society, the public is fascinated with celebrities, especially celebrity matters that involve a courtroom. In the courtroom however, celebrities do not always receive preferential treatment; this is merely a perception caused by the antics of the media. Insofar as the many

advantages that seem to come with celebrity status, they are countered, at least inside the courtroom by the disadvantages that also accompany celebrity status.

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