

# DUKE CONFERENCE UPDATE

On the comparative access panel, we got the European and Canadian perspective on media access, with a really interesting panel from Gavin Phillipson arguing that in the US the claims of the First Amendment are actually serving commercial interests. He argued that the British system, which made people responsible for leaks, was better.

Lucy Dalglish argued that we don't have as much access as the others made out.

I asked whether the Wen Ho Lee and Hatfill cases are forcing us into a position akin to the British one Phillipson described—that media organizations have to pay the price for improper government leaks. Dalglish didn't really respond, but the WaPo lawyer agreed afterwards that's where we may be heading.

In the Institutional Response to Crisis, Judith Clair and Ron Dufresne used my example of the 80% of the blogosphere that was "dreck" (not my word") and the 20% that had acquired reputation. Clair talked about understanding the structure of the blogosphere before crisis, so you could reach out to the blogosphere. Dufresne pointed out that you might not want to reach out to the 80%—how do you identify who is what? This is, of course, a question Congress and the Courts and everyone else is trying to figure out.

Robert Levick said 56% of reporters are getting their story ideas from blogs, 80% from the web. He does institutional response stuff—say, representing drug companies. So from his perspectives, the fact that the blogs are focusing on things like bad pet food, putting his potential clients behind the mark, is a bad thing. [emptywheel editorial comment: Question is, could someone from his perspective ever flip that? Could you dump enough bloggers-for-pay out there to write credible stuff that was pro-

corporate? Or will it always (hopefully) appear dubious??]

Levick talking about Katrina as the loss of Bush's credibility, bc it was a breach of promise. Spinach and pet food—spinach is selling better than it ever has. Toys in China, we've got inspectors in China, which gives a symbolic fact to allow for resolution.

Levick, describing what one of his Arab clients have to say regarding whether lawyers should take the lead on crisis response or not: "Lawyers should be on the bus, they should not be driving the bus." Nervous laughs all around.

The first thing that happened on the Lacrosse case "lessons learned panel" (chaired by Chemerinsky) was the University Relations VP, John Burness, thanking "Dean Chemerinsky." As Chemerinsky said, "that's a different media issue."

Burness then described a former employee of Cheney and Duke alumni calling to ask if there was any way he (or she) could help. Burness responded: You can get your former boss to go hunting again.

Sergio Quintana, reporter from local NBC station. Describing national media getting the access, and not the local media. And the local media getting lumped in with the national media and their mistakes. Emily Rotberg, one of the Chronicle's (Duke's student paper) reporters, echoes the sentiment. She describes a TV reporter using one of her front page stories.