



October 31, 2022

**FIRST AMENDMENT CLINIC DISCUSSION WITH EXECUTIVE
DIRECTOR GREGG LESLIE AND DEAN BATTINTO BATTS**

“ASU’s First Amendment Clinic was established to protect and defend First Amendment interests and to teach a new generation of lawyers how to help individuals stand up for their First Amendment rights. The Clinic’s law students interact with journalists and others to address the roadblocks keeping them from doing meaningful reporting.”

On November 1, 2022, Androcles advisors and representatives of the Scripps Howard Foundation attended a private discussion with the clinic’s executive director, Gregg Leslie. The meeting requested by L&B’s attorneys and led by Dean Battinto Batts Jr. focused on some of the more pressing topics at the intersection of journalism and the law. Below we provide a topical summary of our discussion.



“What we don’t want is the government determining who gets to call themselves a journalist with a licensing scheme.” - Gregg Leslie

Role of First Amendment Clinic and Partnership with Cronkite School of Journalism

According to Executive Director Leslie, currently, there is no academic interaction between the First Amendment Clinic (“the Clinic”) and the journalism school. The Clinic strictly runs on a “client-based model,” with the sole purpose of teaching law students how to represent clients. Thus, much of the Clinic’s work revolves around assisting journalists and news stations with the prepublication process and defending those in the journalism industry against libel suits.

Although the Clinic doesn’t currently have a mandate to work directly with the Howard Center on transdisciplinary curriculums or interdisciplinary projects, we think there is an opportunity to increase interaction via the production of articles for the Clinic’s blog. In doing research on the Clinic, we noticed its blog was significantly outdated, which we believe could be addressed through collaboration with the Howard Center. Collaboration could be mutually beneficial in: (1) creating project driven interaction between schools and students at no additional cost to the Clinic for producing professional quality articles; (2) updating the Clinic’s blog with well written and legally relevant stories; (3) helping to market the Clinic’s work both internally at ASU and externally; and (4) helping journalism students gain a more in-depth and nuanced understanding of the law informing their writing.

Dean Batts was supportive of our suggestion and stated that he would work on putting together a concept for what the collaboration would look like specific to journalism students producing articles for the Clinic’s blog. Further, regarding mis and disinformation, he stated that he is committed to working to “confront [the problem] head on” and is willing to commit to “as many resources as [Cronkite] can to [creating a solution].” This includes considering the role the college of law might play in the creation of a solution. According to Dean Batts, Cronkite has “a good working relationship with the college of law” and they have “worked together on a number of projects in the past.” Thus, to confront the crisis head on, he will look to engaging the college of law school to add depth to proposed solutions.

Certification and a New “Gate Keeping Structure” for Journalism



“The ease of access to such a career could be what makes it great, but it also could be why there is no standard or repercussions or uniformity.”

- Mike Canan, Director of Journalism Strategies Scripps Howard Foundation

Journalism remains one of the only professions that does not require a college education or professional certifications. We asked Mr. Leslie whether the pervasiveness of mis/disinformation may mean it's time to agree upon an inexpensive, easily accessible journalism certification. This could begin with an ethics certification to ensure all journalists are trained in and held accountable for the same set of ethical standards. Although Mr. Leslie disagreed with certification, for fear of "Big Government" using it as a means of controlling journalism and the media, he did agree that every journalist should have some level of training and offered "maybe the answer is a statement of principles."

Although we understand Mr. Leslie's concern and appreciate the potential negative impact that regulation on the profession of journalism might have, we do not believe professional certification should be misconstrued for government regulation. Quite the opposite, currently, the demarcation between journalism and entertainment is nebulous, at best. For consumers of news, there is no formal standard available to us, or understood by us, that we can look to in analyzing: (1) who is providing our news; (2) the truthfulness in what is being provided; and (3) where the news we are receiving originates. We realize ethical certification will not resolve all of these issues, but we believe it will begin to address some. With the proliferation of mis and disinformation and its global impact, the time for the journalism profession to begin formally defining who may call themselves a "journalist" seems long overdue. As is the case in all occupations that impact consumer safety and require a significant amount of trust (e.g., hairdressers, electricians, plumbers, etc.), we believe journalism should begin creating a professional threshold for who should be able to call themselves a "journalist." Extending accessibility and instruction in the ethics of journalism will have a grassroots impact on the quality of journalism produced locally, nationally and conceivably internationally.

Again, we thank Mr. Leslie for his time and for allowing us the opportunity to identify, articulate and think through some of the topics we believe intersect between the school of journalism and the college of law.