

# New Jersey Supreme Court Stays Fair Report Decision

## Digital Media and Data Privacy Law Blog

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We previously reported a recent intermediate appellate court decision from New Jersey in which the court took a narrow view of the fair report privilege. That decision gave cause for concern for news organizations in New Jersey because it held that the privilege does not apply to reports on the contents of civil court complaints and filings other than final decisions by the court.

On Tuesday, the New Jersey Supreme Court issued a one-paragraph order that temporarily stayed the effect of the lower court decision while the court considers whether to accept the newspaper's appeal. The stay restores New Jersey law on the fair report privilege to the law as it existed prior to the earlier decision. However, the court's action does not signal the ultimate outcome of the case -- the court could ultimately decline to exercise appellate review, which would reinstate the intermediate appellate decision, or it could accept review and affirm the decision.

The Reporters Committee for the Freedom of the Press, along with numerous other media organizations and the New Jersey Press Association submitted an *amici curiae* brief to the New Jersey Supreme Court, asking it to accept review and reverse the previous decision. We will continue to monitor the progress of this case as it moves through the New Jersey appellate system.