

Quantifying the Chilling Effect of Newsroom

Digital Media and Data Privacy Law Blog

on 06.11.2009

Posted in Newsroom Subpoenas

The Media Law Resource Center recently flagged this interesting study, by Professor RonNell Andersen Jones, due to be published soon in the *Washington Law Review*. Professor Jones, a former newspaper reporter who has written widely on media law issues, undertook a large-scale survey of newspaper and broadcast reporters and editors to assess the impact that a surge in newsroom subpoenas is having on the media. Her work is intended to be an update to Professor Vincent Blasi's landmark study of the same issue in 1971, just as the *Branzburg* cases were making their way to the Supreme Court.

Without spoiling the ending, since the article is as-yet unpublished, suffice it to say that while the prevalence of shield laws has helped give editors more weapons to fight subpoenas, an inordinate amount of time and money is still being spent educating attorneys serving subpoenas about the contours of the shield laws and, when necessary, fighting them in court. As Jones notes, while the media was rather highly regarded in 1971, the state of public opinion today is far different, and editors and reporters work in constant fear of being forced to stand up in court and defend their decision not to comply with a subpoena.

The article is very much worth a read, especially for the wealth of data she culled from surveys sent to editors and reporters around the country.