4-9-2014

Research exercise: Analyzing Shield Law Cases in the Midwest

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Shield Laws Commenting on Journalism
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Circuit courts will only uphold journalistic shield laws for those who fall within the state of publication’s legal definition of a journalist.

The rise in social media has created a growing concern for a state’s definition of a journalist. If a state considers independent bloggers as journalists, then they would be protected from disclosing their sources under the shield law pertaining to the state of publication.

**2nd Circuit Court of Appeals**
- In New York Times v. Gonzales (2006), a subpoena that ordered a journalist to relinquish his phone records was voided when the circuit court ruled that telephones are an integral part of modern journalism and should be treated like a third-party source.

**9th Circuit Court of Appeals**
- In Doty v. Molnar (2008), the judge ruled the Montana shield law was broad enough that the commenter on *The Billings Gazette* website fits in the category of journalists.
- In Vinogradov v. Montana State University-Bozeman (2007), Vinogradov filed a motion to the university’s newspaper, seeking the identities of the commenters who defamed her. The court did not reach the reporter’s privilege issue, because her motion was insufficient.

**7th Circuit Court of Appeals**
- In Ind. Newspapers, Inc. v. Miller (2012), the court ruled the commenter did not qualify as a source and, therefore, *The Indianapolis Star* could not enact the shield law to prevent exposing his/her identity.
- In Alton Telegraph v. Illinois (2009), the court decided the commenter was qualified for the reporter’s privilege because the commenter mentioned information that is of public concern.