



**PREPUBLICATION / PREBROADCAST  
CHECKLIST\*  
DISCOVERY ROADMAP**

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**PREPUBLICATION/PREBROADCAST REVIEW**

**CHECKLIST**

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## **Prepublication / Prebroadcast Checklist**

Any summary checklist is at very best only a device to trigger the right questions. The hard part is devising the right answers. This checklist can be a useful field guide to spot prepublication/prebroadcast issues relating to libel, privacy, newsgathering and related topics.

As a starting point, there are some general recommendations to approaching to prepub review.

### **“What” to review**

- \_\_\_ After reviewing any drafts of the article/package, be sure to review it after ‘final edit.’
- \_\_\_ “Stay with” the article/package. Headlines, captions and cutlines inevitably are added late in the process.
- \_\_\_ For **broadcast**, review: promos, teases, lookaheads, cut-downs, leads, tags, and web versions of the package.
- \_\_\_ For **print**, review: table of contents, cover, book jacket, packaging, subscription offers (that sometimes contain images from back issues) and web versions of reports;
- \_\_\_ Have underlying source documents available.
- \_\_\_ If edited drafts are available, check previous drafts of problematic items, to make sure relevant material hasn’t gotten lost in the process.

### **“Who” to review**

- \_\_\_ On sensitive, high visibility stories, include an editor/producer along with reporter in the review process.
- \_\_\_ Remember, the client is the news organization, **NOT** the reporter/producer. Be aware of ethical conflicts.

### **“When” to review**

- \_\_\_ Avoid last minute vetting where possible.
- \_\_\_ Ask for a “heads up” on any report that will have complicated issues in newsgathering and/or dissemination stage including investigative pieces (for broadcast: stories scheduled for sweeps) and get generally familiar with the subject matter before review.

### **“How” to review**

- \_\_\_ Avoid writing the story. You are the legal advisor, not the reporter.
- \_\_\_ Review both script and video. Circle potential plaintiffs and know “Red Flag” words.
- \_\_\_ Below are questions that will require careful consideration.

## **I. Libel**

### **A. Potential Plaintiffs**

Yes No

- Does story involve businessmen/women, corporations, judges, law enforcement, teachers, doctors, lawyers, criminal suspects, entertainers, teachers or children? (These groups file a disproportionate number of lawsuits.)
- Are the stakeholders (including businesses) in the story identified or identifiable?
- Do previous related promotions identify the subject even if the story does not?

- Does the story implicate or defame any “third parties” (*i.e.* person other than subjects of story or group)?  
 If a group, how large is the group (*i.e.*, is it the AMA or the Toastmasters Club of Indiantown, Florida)? \_\_\_\_\_

**B. Statements**

**1. Accuracy**

**a. Stories**

Yes No

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Is the story/are the facts (including captions) accurate?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the overall context fair and accurate?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the story vague or ambiguous?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Does story republish someone else’s factual statement?<br>What don’t we know and what are we certain we do know? _____  |
| <input type="checkbox"/> | <input type="checkbox"/> | Can reporter prove the story is true with direct evidence?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are witnesses willing to stand up and are the facts in the story provable?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there any evidence that contradicts potentially defamatory statements or defamatory implications from the statements?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Do “quotes” match notes or interview tape?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are quotes properly attributed?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Do paraphrasings accurately reflect statements?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are facts assumed ( <i>e.g.</i> video of people drinking out of can assumed to be beer)?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Do references to documents accurately reflect the content of the documents?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are precise legal and technical terms used properly ( <i>e.g.</i> “bankrupt,” “murder,” “under investigation,” “charged with,” “rape occurred” or “claims of rape”)?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the source called back and facts verified?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Can source information be independently verified ( <i>e.g.</i> SEC filings, court records/documents, government documents)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If the source report or sound bite was in a foreign language was it accurately translated?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Were criminal stories updated and verified ( <i>e.g.</i> charges dropped, pleas, sentences, appeals)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the story omit any significant information or part of the story? If so, why?<br>_____  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are pictures/video and documents authentic ( <i>i.e.</i> reputable source; no evidence of manipulation)?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are the pictures accurate and consistent with the story or are they mixed up? ( <i>e.g.</i> wrong person walking into courthouse, not the target perp, wrong product, wrong vehicle, wrong building, wrong mug shot)? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are photos used to convey misimpression of actual events ( <i>e.g.</i> cheering people at a funeral)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the background of any picture/video contain people/places that might be construed as part of the story but are not ( <i>e.g.</i> photo of person leaving AA meeting with others in background)?                  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is file footage, not associated with the story used ( <i>e.g.</i> children at play in school used as background to sex abuse story)?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the story source properly identified ( <i>e.g.</i> store owner vs. store manager)?   |

- Are any false or defamatory implications created by the juxtaposition of text or headlines and photos/videos (e.g. video edited out of sequence to show answer to a different question)?
- Is video synched properly with audio (e.g. “You may have herpes and not know it” while camera focuses on person in the crowd)?
- Is the print reporter going on TV or radio to discuss a controversial story (inherent danger of print reporters’ accuracy going out the window in the heat of live TV or radio)?
- Does the story as a whole constitute unfair or inaccurate innuendo or implication about any person, corporation or group?
- If so, were representatives contacted for comment?
- Were there any relevant factual omissions to the story that would change the meaning?

**b. Tests and Demonstrations**

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Are they fair, reliable and objective?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the testing methodology a nationally recognized one?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the testing organization credible and reliable?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was any material aspect of the report staged or re-enacted?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a protected “chain of custody” establishing that the sample product was not contaminated? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are general conclusions made on the basis of one scientific test?                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the story reflect the criteria and elements used in testing?                                  |

**c. Promos**

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Are promos, headlines, captions, cut lines, and “teasers” fair and accurate? (Note that these items frequently are added in print by “night” editors late in the process, or in broadcast by promotions dept without review by reporter or counsel.) |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the producer/reporter who wrote or shot the story reviewed the promo ( <b><i>including</i></b> how the audio syncs with video) to insure that the promo accurately reflects the story?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does video suggest alternate meanings? (Look carefully.)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is criminal activity alleged or suggested in the promo even though no charges have been filed or are actual charges simplified (e.g. “Third degree sexual assault” converted to “rape”)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If “B-roll” video (e.g. crowd shots) is used, does audio sync create a misleading impression?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is video or picture “doctored” to fit the story?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are video elements that have been edited out from the story used in the promo?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Has promo been written before the story based upon raw footage?  |

## 2. Bias

- | Yes                      | No                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the reporter or editor/producer evidence a bias toward any subject?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the reporter or editor/producer demonstrate an “out to get them” mentality (whoever “them” is)?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the reporter communicated bias toward the subject matter, especially in writing ( <i>especially in email</i> )? (Pay particular attention to the reporter’s communication with sources; reporters sometimes will cultivate an “us against them” relationship.)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Has the reporter done prior stories on the subject? (Look out for “budgets” and story lines that might disclose a predisposition.)<br>What response did the reporter receive from the subject or subject’s representative (lawyer)? (Note the demeanor, language used and previous history with subject or subject’s representative.) _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Does story disclose any known bias or stake in the story on the part of any source?   |

## 3. Credibility

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Is the source reliable / credible?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the source another report or story?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the source in a position to know?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is it hearsay?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the source biased or does he/she have an agenda ( <i>e.g.</i> axe to grind or manipulation for his/her own ends)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Did reporter pay the source?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the reporter offer anything, of low or high value, to the source ( <i>e.g.</i> , an out of town trip to the studio, fully paid at a first class hotel, limo, etc.)?<br>If yes, for what? _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the source sign any agreement to stand by the story?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If the source is not identified, is there any evidence marrying the source to the story?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there any documentary support for the source’s information?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there any support from other sources?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are those other sources independent of each other?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there any reason to question source’s information?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the source sign a confidentiality agreement (celebrity employees)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, when did the reporter find out?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Do any experts or other contributors have a financial interest in the products or service?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the financial interest disclosed?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Has an editor/producer met the source?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the news package or any portion of it produced or prepared by a government agency or other outside organization? (Note, government VNS requires mandatory disclosure.)                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Will the source of these materials be disclosed to the public?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the Editor/Producer/ News Director notified?   |

#### 4. **Balance**

Yes No

- Are all sides of the issue explored and reported? (This *includes* “On Your Side”-type consumer stories.)
- Did reporter challenge all sides equally?
- Did reporter interview the significant relevant parties?
- Is the subject’s interpretation of the story viable or believable?
- Were any leads not explored?
- Were the key relevant materials reviewed?
- Did reporter personally visit, call, hand-deliver, FedEx, or fax questions?
- Were questions received?
- Has the subject of the story or his/her representative been given a *meaningful* opportunity to respond/comment?
- Was the request for a comment made on a holiday, at night, during the weekend? (Note, this is especially important for celebrity or business.)
- If it is a product testing story or exposing a wrong, did reporter leave enough time for the company to respond?
- Were any potentially defamatory statements published in the request for response/comment?
- If you were the subject of the story would you be satisfied that you had been treated fairly? (*Main principle*)

#### C. **Exceptions**

##### 1. **Privilege**

Yes No

##### a. **Official Proceeding or Document**

- What is the nature of the proceeding? \_\_\_\_\_
- Is the proceeding or document one that is covered by the fair report privilege in your jurisdiction?
  - Is the story an accurate depiction of the proceeding?
  - Does the story disclose the official source?
  - If the “proceeding” is an arrest, has the actual warrant/complaint/report been reviewed?

##### b. **Neutral Reportage**

- Does your jurisdiction recognize Neutral Reportage?  
If so, what are the criteria to meet it? \_\_\_\_\_
- Is the story an accurate and disinterested report?
- Does the story concern a public figure?
- Were the comments being reported made by a public figure?
- Does the story concern a public controversy?

##### 2. **Opinion**

- Does the story reflect the opinion of the reporter?
- Is the story styled as such?

- Are statements prefaced as such?
- Are underlying facts set forth?  
Can they be substantiated? (See I.B.1. above.)
- If its parody or humor, is it genuinely funny or more likely to be interpreted as offensive?
- Will reasonable readers/viewers understand statement(s), parody or humor to state actual fact(s)?
- Is it a fair comment or an issue of public interest?

### 3. **Public Figure**

Yes No

- Is the subject of the story a public official or public figure?
- Does the subject enjoy pervasive power/influence?
- Has the subject sought to influence the outcome of the controversy?
- Was the subject matter a public controversy *before* the news report was published?
- Has the subject “thrust” him/herself into public controversy by choice or chance?
- Was it truly voluntary?
- Does the subject have access to the media to respond?

## II. Privacy

### A. **Private Facts**

Yes No

- Is the information of embarrassing, “intimate” nature (*e.g.* drug abuse, child abuse, medical, adoption, private economic affairs, etc.)?
- Is the report “highly offensive”?
- Is the matter of public interest (*i.e.* is the individual’s plight part of larger trend – *e.g.* high school students as unwed mothers)?
- If the story subject is a private individual, is he/she in the “vortex” of a public newsworthy event (*e.g.* victim, villain, hero, witness to newsworthy event – Monica Lewinsky/Linda Tripp)?
- Has time eroded the newsworthy value of the information presented?
- Is the information otherwise available to the public?
- Was the conduct in plain view (*e.g.* arrests, nudity on the street)?
- Was any enhancement technology (microphones and zooms) used to capture the images?
- Could the subject become a sympathetic plaintiff (*e.g.* children, disabled, victims, or popular celebrity)?
- Did subject consent to use of information?
- If so, is consent on preserved tape or in writing?
- Was consenting subject someone who lacked capacity to consent (*e.g.* minor or mentally ill)?
- If so, is there consent from a parent or guardian?



### **B. Intrusion**

- | Yes                      | No                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does report unreasonably intrude in person's private affairs or concerns?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does video or audio intrude on reasonable expectations of privacy (e.g. zoom lens through window not otherwise viewable)? |
| <input type="checkbox"/> | <input type="checkbox"/> | Has reporter misrepresented him/herself to gain access or trespassed?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Has reporter/photographer "hounded" the subject (e.g. paparazzi)?   |

## **III. Newsgathering**

### **A. Access/Trespass**

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Was any illegal or intrusive activity involved in obtaining information?                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Did reporter/producer lie or misrepresent in newsgathering process?                            |
| <input type="checkbox"/> | <input type="checkbox"/> | Did reporter/photographer trespass?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Did reporter/photographer misrepresent in order to gain access?                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the reporter asked to leave?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Did reporter/producer wiretap or otherwise use illegal means to access electronic information? |
| <input type="checkbox"/> | <input type="checkbox"/> | Did reporter/producer eavesdrop?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the reporter a party to a recorded communications?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, was the recording done in a two- party consent state?                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | To what degree was the reporter involved? _____  |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the reporter or photographer violate a "sphere of privacy"?                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Was it an area from which the subject expected the media to be excluded?                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Was there consent to the intrusion?  |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, was it implied consent?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was consent obtained undercover (misrepresentation)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the surveillance overzealous and intrusive (like "stalking")?                              |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the subject ambushed to get the interview?   |
| <input type="checkbox"/> | <input type="checkbox"/> | To what degree is the information of public interest? _____                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the reporting location <b>public</b> property?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the reporting location <b>private</b> property?  |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, were no trespass signs posted?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Was it surrounded by a locked fence?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the reporting location quasi-public property (e.g. shopping mall or apartment complex)?    |
| <input type="checkbox"/> | <input type="checkbox"/> | Was reporter invited in by tenant/store owner?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the reporting location a school or hospital?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, was consent obtained?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the crew riding along with law enforcement or other governmental agents?                   |
| <input type="checkbox"/> | <input type="checkbox"/> | If so, was the crew prominently identified, including logos on the cameras?                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Were any cameras or microphones visible?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the crew identify itself verbally to any occupant?   |

## **B. Confidentiality**

### **1. Sources**

Yes No

- Are confidential sources involved?
- What is the nature and scope of confidentiality promised? (Check company policy and procedure for maintaining confidentiality and state shield law.) \_\_\_\_\_
- Were promises or commitments made to obtain information, including the signatures on any contacts, releases or other documents?
- Are the promises binding?
- Are promises being honored?
- Has the reporter promised only no overt disclosure?
- Was it “Off the record”, “On background”, or “Not for attribution”?
- Has the reporter promised no disclosure whatsoever?
- Were any limits set on the promise of confidentiality?
- Can news organization be released from the promise of confidentiality?
- Will the source ever come forward?
- If yes, under what circumstances?
- Has source been advised that identity may be mandated by court?

### **2. Anonymity**

Yes No

- Was anonymity requested in a broadcast interview?
- What exactly was promised? (Promise procedure, not results.) \_\_\_\_\_
- Is promise in writing or on preserved tape?
- Did the subject understand the deal (*e.g.* only face not voice, digitize, blue dot, silhouette, etc.)?
- Do the editors/EPs/NDs know about the agreement?
- If total anonymity was promised, does reporter believe that the person would be identifiable to their family or closest friends?
- Are there any background objects that could give away the location and identity of the person (*e.g.* house numbers, license plates, children)?
- Does the story include any details that could lead to the identity of the anonymous source?

### **3. Document Restrictions**

Yes No

- Are there any restrictions on documents used in the story?
- Is there a confidentiality agreement?
- Are trade secrets disclosed?
- Are the documents copyrighted?
- Is there a court order limiting disclosure?
- Are documents authenticated? (This is the lesson from CBS news and Bush Air National Guard records.)
- Were documents stolen?
- Are the documents medical records that disclose private facts?

**C. Hidden Cameras**

Yes No

- Does the state in which you intend to tape require both parties to consent to any audio taping?
- In a one-party consent state, is the reporter a party, or is he eavesdropping without consent?  
What is the role of video in the story? \_\_\_\_\_
- Is it essential?
- Does it bring real value?
- Is it necessary to use a hidden-camera in this story? Why? \_\_\_\_\_
- Does the story involve insignificant, private matters (even if emotional), or are there matters of vital public concern, prevention of profound harm, or system failure?
- Is the rationale for the story simply to win a prize or beat the competition?
- Do your motives involve getting the story quickly and cheaply, rationalizing that others have done it or that the story subjects are themselves unethical?
- Are hidden-cameras to be used primarily to create drama?
- Can a visible camera be used with the same impact?
- Have you used **all** traditional means to investigate the story, including interviews, and reviewing public records, databases and documents?
- Is the story clearly focused, or is the camera aiding what is essentially a fishing expedition?
- Is the hidden-camera video provided to the station by a third party or shot by the station itself?  
What do you know about how third party video was obtained? \_\_\_\_\_
- Will the reporter use pretext or deception (lie) to gain access for reporting?
- Will the reporter impersonate a customer, co-worker, client, patient?
- Will the harm prevented by such deception outweigh the harm caused by the deception?  
What happens if the reporter's cover is blown? \_\_\_\_\_
- Can a reporter lie to maintain his cover?  
What happens if the reporter sees a crime being committed? \_\_\_\_\_
- Do you intend to use employee "whistleblowers" to carry a camera?
- Will they be employed by the station as well?
- Do you **fully** know the whistleblower's agenda?  
Where will the camera be used --- in a public place? quasi-public? private office? private home? \_\_\_\_\_  
Who else will be in the room? \_\_\_\_\_
- Will anyone else hear the conversation?
- Will subjects have an expectation of privacy?
- Will the reporter enter private property without consent of owners to tape?
- Will senior, experienced journalists closely monitor the investigation?
- Will raw tapes be screened daily?
- Will junior reporters be sent in the field without experienced staff close by?
- Will all field reporters be clearly advised on guidelines for equipment use and procedures in case of discovery?
- Will equipment be technically tested each time prior to use?
- Do you intend to publicly disclose private facts?

- Will editing be allowed to alter contexts?
- Are individual subjects necessary to the story?
- Are story subjects minor figures?
- Can they be edited out?
- Will they engender sympathy?
- Will hidden-camera stories be aired prior to viewing and/or approval by the news director and/or counsel?
- What will a judge/jury think about what you did and how you did it? \_\_\_\_\_
- Have the news director and counsel approved use of the camera?

**D. Children**

Yes No

- Are story subjects minors or others who lack consent capacity? (Note, some states allow minors to make some of their own decisions.)
- Is the child emancipated?
- Is the child an orphan?
- Are there any guardians that can give consent?
- Was written or taped consent obtained from the parents?
- If only obtained consent from one parent, is this the custodial parent?
- Was the child interviewed on school grounds?
- Did you review the school administration’s own release allowing interviewing or taping of any child for any reason on schools grounds?
- If no consent or release, was the topic of significant public interest?
- Was the matter of the interview intimate, embarrassing or criminal in nature?
- Was the child’s face or name already published or broadcast for reasons related to this present story?
- Are there any local statues that restrict the disclosure of juvenile crime victims or suspects?
- Does the child have celebrity parent(s)?

**IV. Copyright**

Yes No

- Does the story constitute “fair use”?
- Is the material in the public domain?
- Is written permission to use the material available (including web camera video)?
- If explicit permission was not given, is there implied permission (e.g. copyright holder provides a print or broadcast quality image in a press release)?
- If story based upon another report, was it rewritten?
- Is the material for wall paper/b-roll or because producers were scooped and could not get permission?
- Does story only use the minimum necessary?  
Why is it newsworthy? \_\_\_\_\_
- Was it taken off the satellite transmission or recorded from another broadcaster?
- Are pictures used from the Internet?
- If so, are they licensed for use?
- Are “freeze frames” from tapes used in the story?
- If so, has permission been obtained from original source for use?

## V. FCC Issues

Yes No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Are any sexual or excretory organs or the activities of these organs depicted or described?                |
| <input type="checkbox"/> | <input type="checkbox"/> | Is any profanity not “bleeped” out?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there systems in place to avoid any live broadcast surprises in the field ( <i>e.g.</i> delays, etc.)? |
| <input type="checkbox"/> | <input type="checkbox"/> | Any excessive violence on taped show or simulation of sexual activities?                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was prior consent obtained for broadcasting a phone conversation or voicemail?                             |

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**MEDIA LAW RESOURCE CENTER, INC.**

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**BOARD OF DIRECTORS**

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Staff Attorney: Eric Robinson

Staff Attorney: Maherin Gangat

MLRC Fellow: Raphael Cunniff

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