



Prepublication / Prebroadcast Committee:

Prepublication / Prebroadcast Review Outline

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It is always dangerous to attempt to reduce a complex task to an “easy to read” checklist. The “art” and “nuances” can sometimes get lost in the translation. On the other hand, it can’t hurt for a busy practitioner to have a reference point as a reminder of important considerations when vetting an article.

So, with that caveat in mind, here are the “A, B, C’s (and one “D”)” of prepublication and prebroadcast review:

A – Accuracy

1. Is the story/are the facts (including captions) accurate?
2. Do “quotes” match notes or interview tape?
3. Do paraphrasings accurately reflect statements?
4. Do references to documents accurately reflect the content of the documents?
5. Are legal, technical terms used properly?
-e.g. “bankrupt”, “murder”

A – Attitude

1. Does the reporter or editor evidence a bias toward any subject?
2. Does the reporter or editor demonstrate an “out to get them” mentality (whoever “them” is)?
3. Has the reporter communicated bias toward the subject matter, especially in writing (especially in email!)?
 - Pay particular attention to the reporter’s communication with sources (reporters sometimes will cultivate an “us against them” relationship);
 - Look out for “budgets” and story lines that might disclose a predisposition;
 - Has the reporter done prior stories on the subject?

B – Baggage

1. Were any promises, commitments made to obtain information?
 - Are they binding?
 - Are they being honored?
2. Was any illegal activity or lying involved in obtaining information?
 - Trespass?
 - Wiretap?
 - To what degree was the reporter involved?
 - To what degree is the information of public interest?
3. Are there any restrictions on documents used in the story?
 - Confidentiality agreement?
 - Trade secrets?
 - Court order?
4. Are confidential sources involved?
 - (i) What is the nature of confidentiality promised?
 - Has the reporter promised only no overt disclosure?

- Has the reporter promised no disclosure whatsoever?
- Were any limits set on the promise of confidentiality?
- What is the “scope” of the source’s confidentiality?
- Will the source ever come forward?
- Under what circumstances?

- (ii) How reliable / credible is the source?
 - Is the source in a position to know?
 - What is the nature/extent of the source’s bias?
 - Is there any documentary support for the source’s information?
 - Is there any support from other sources?
 - Is there any reason to question source’s information?
 - Has an editor met the source?

B – Balance

1. Are both sides of the issue explored and reported?
2. Has the subject of the article been given a meaningful opportunity to respond/comment?

C – Context

1. Is the overall context fair and accurate?
2. Does the article as a whole constitute unfair or inaccurate innuendo or implication?
3. Does the article implicate or defame any “third parties” (i.e. person other than subjects of article)?
4. Are headlines, captions, cut lines, and “teasers” fair and accurate?
 - (i) Note that these items frequently are added by “night” editors late in the process.
5. Are any false or defamatory implications created by the juxtaposition of text or headlines and photos?

C – Critical Considerations

1. Libel
 - (i) Is it true?
 - (ii) Is it privileged?
 - a. Official proceedings
 - What is the nature of the proceeding?
 - Is the article an accurate depiction of the proceeding?
 - Does the article disclose the official source?
 - b. Neutral Reportage (check whether your jurisdiction recognizes it)
 - Is the article an accurate and disinterested report?
 - Does the article concern a public figure?
 - Does the article concern a public controversy?

- (iii) Is it opinion?
 - Is the article styled as such?
 - Are statements prefaced as such?
 - Are underlying facts set forth?
- (iv) Is the subject a public official or public figure?
 - Does the subject enjoy pervasive power/influence?
 - Has the subject “thrust” self into public controversy?
 - Has the reporter:
 - expressed doubt?
 - expressed bias?
 - obtained comment from the subject?
 - reviewed all relevant material?
 - interviewed all relevant parties?
- 2. Disclosure of private facts
 - Is the information of embarrassing, “intimate” nature?
 - Is the publication “highly offensive”?
 - Is the matter of public interest (is the individual’s plight part of a larger trend – e.g. high school students as unwed mothers)?
 - Is the information otherwise available to the public?
- 3. Copyright
 - Does the article constitute “fair use”?
 - Is the material in the public domain?
 - Is written permission to use the material available?

D – Details, Details, Details

- 1. “What” to review
 - Review article after “final edit”;
 - “Stay with” the article. Headlines, captions and cutlines inevitably are added late in the process;
 - 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.
- 2. “Who” to review
 - Avoid one on one sessions with the reporter – an editor should participate.
- 3. “When” to review
 - Avoid last minute vetting where possible;
 - Ask for a “heads up” on investigative pieces and get generally familiar with the subject matter before review.