

Shield Law Extended to Bloggers in New Jersey

by Joel N. Kreizman on May 8, 2013

New Jersey continues to have one of the broadest journalist shield laws in the country. Most recently, a state court judge for the first time extended the privilege to an independent blogger.

As we have previously discussed on this Business Law Blog, the New Jersey Shield Law (N.J.S.A. 2A:84A-21) provides a privilege to members of the “news media” that allows them to refuse to disclose sources and other information obtained in the course of pursuing their professional activities. “News media” is defined as “newspapers, magazines, press associations, news agencies, wire services, radio, [and] television” or “other similar... means of disseminating news to the general public” -- whether “printed, photographic, mechanical or electronic.”

In *In re January 11, 2013 Subpoena by the Grand Jury of Union County, New Jersey*, 13-0001, Superior Court Judge Karen Cassidy quashed a grand jury subpoena requiring the appearance and testimony of Tina Renna, who writes content for a website called "The County Watchers" on behalf of the Union County Watchdog Association. The subpoena sought information related to posts on the website alleging that county employees improperly took county generators for personal use after Hurricane Sandy.

In her motion to quash, Renna argued that the Shield Law was applicable because she was part of a team of correspondents that engage in original news reporting, advocacy, and investigative journalism on behalf of the Union County Watchdog Association. She specifically cited her weekly reports to the blog, dating back to 2005, and the website’s wide readership of 500 to 600 unique visitors per day.

Relying on the factors outlined in the Supreme Court's ruling in *Too Much Media LLC v. Hale*, 206 N.J. 209 (2011) (a case I handled, argued and won), Judge Cassidy agreed. She concluded that Renna demonstrated that she possessed a connection to the news media, the purpose to gather or disseminate news, and the materials were obtained in the course of professional newsgathering activities.

"Under the governing case law, the fact that Ms. Renna's organization has an official stated purpose of being a citizen watchdog and an advocate for transparency in government, does not preclude this Court from finding that the County Watchers blog does not also have the alternate purpose of disseminating news," Cassidy wrote.

Cassidy further rejected the prosecutor’s attempts to differentiate Renna from “true journalists” by citing her political bias, use of profanities, poor grammar and questionable investigatory tactics. As Cassidy explained, “[W]hile the quality of Renna's writing is not

akin to that of a print news reporter, or professional blogger ... the Supreme Court in *Too Much Media* made clear that a claimant need not be a professional to obtain protection under the privilege.”

As this decision highlights, the applicability of New Jersey’s Shield Law will be determined on a case-by-case basis, particularly where new media is concerned. While the blogger in *Too Much Media* did not meet the requisite criteria, the court determined Renna was entitled to coverage, at least at this stage of the proceedings.

If you have any questions about this case or would like to discuss the legal issues involved, please contact me, Joel Kreizman, or the Scarinci Hollenbeck attorney with whom you work.