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## **From newsroom to courtroom: Local media lawyers use their journalism backgrounds to fight for First Amendment rights**

**—By Kenya McCullum**

Rachel Matteo-Boehm, partner at Holme Roberts & Owen LLP, became interested in becoming a lawyer when she was a reporter at the Dallas Morning News. “I kept seeing the newsroom’s attorney coming in and out of the newsroom and going into the newspaper management’s glass office, and I looked at him and thought, ‘I want that job,’” she says.

After attending the University of Texas, not only did she become an attorney, but she did get that job — literally — when she went to work for the firm that represented her former employer. This gave her the opportunity to fight for the issues that were important to her old newsroom colleagues.

Although Matteo-Boehm says that it’s not a prerequisite to have a journalism background when practicing media law, it definitely helps to have an intimate understanding of the issues, and what is at stake when practicing this kind of law.

“It really helps you to provide good legal services to your client if you understand your client and how things work,” she says. “Any number of newspaper reporters have said to me, ‘I’m so glad you’re a former reporter because you understand.’ I understand the language, the deadlines, how a story is put together, and the realities of the business. That really helps.”

What is media law?

Although practicing media law involves areas like broadcasting and print journalism, Matteo-Boehm says that she really considers herself a content lawyer because issues related to content are at the heart of what she does for her clients. “I help people get content, and I help them disseminate content in a low-risk manner — and to the extent that content results in litigation, I represent them,” she says.

And a large part of helping clients get access to information is fighting governmental barriers that attempt to block reporters from gathering the data that they need in order to file a story. One such case in which Matteo-Boehm is currently involved addresses this issue is on behalf of the California First Amendment Coalition, which is suing the County of Santa Clara because it has been allegedly charging exorbitant fees for media access to mapping records — as well as making buyers sign a confidentiality agreement when accessing the records—in violation of the California Public Records Act. These kinds

of issues affect everyone in the community, but they also affect how reporters do their jobs.

“When reporters come up against barriers to access, and the government digs in their heels and doesn’t provide information to reporters so that they can do their jobs in uncovering the people’s business — which is what the government carries out — it’s important for attorneys that represent the papers to step in from time to time and to knock down those barriers using all the tools that we have in the law,” says Duffy Carolan at Davis Wright Tremaine LLP Carolan, who also has a background in journalism.

She says that another emerging trend that she is seeing in her practice is the growing number of reporters that are receiving subpoenas to appear in court. “We have seen over the last several years a sharp increase in subpoenas being issued to reporters, especially by the federal government, in particular in the grand jury context,” says Carolan. “That protection over the sources and unpublished information is really vital to all our First Amendment rights.”

In addition, changes in technology — while they have increased job efficiency— has raised a lot of legal issues that may change the laws that govern information. For example, some information that is published in print form may create liability for the writer, while the same information on the Internet may not create liability.

Also, copyright issues have been raised because of the Internet and the ease at which it is to violate copyrights by cutting and pasting someone’s work and adding it to a website without permission.

Matteo-Boehm also says that technology has made the work of media lawyers much more hectic. Although media law was already a fast-paced field with many deadlines, the Internet has made the need for her services much more urgent.

“It used to be that you got a call from a client saying, ‘Hey, I’d like to publish this article in tomorrow’s paper, can you take a look at it?’ and you had some time,” she says. “Now you get a call from a client saying, ‘Hey, I want to post this story, can you take a look at it now?’ It makes things much more immediate.”

And that makes media lawyers all the more important.

Kenya McCullum is a freelance writer whose work can be found at [www.km-com.com](http://www.km-com.com) and [www.uselessonline.com](http://www.uselessonline.com).