

AMERICAN BAR ASSOCIATION

SECTION OF LITIGATION

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

1 **RESOLVED, That the American Bar Association urges the Congress to enact a federal**
2 **shield law for journalists** to protect the public's need for information and to promote the fair
3 administration of justice, incorporating the following principles:
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- 5 1) That journalists play an important role in providing information of significance to the
6 public that aids in ensuring an informed democracy;
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8 2) That prior to requiring information from journalists, a party should demonstrate that the
9 information sought is essential to a critical issue in the matter, that all reasonable alterna-
10 tive sources for the information have been exhausted, and that the need for the informa-
11 tion clearly outweighs the public interest in protecting the free flow of information;
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13 3) That a federal shield law should apply to journalists who disseminate information by
14 print, photographic, broadcast, cable, satellite, electronic, mechanical, or any other me-
15 dia, through a newspaper, book, magazine, periodical, radio or television station, pro-
16 gramming service, channel, network, news agency or wire service, or similar services.