



SMVT QUICKSHEET: REPORTER'S PRIVILEGE

- North Carolina has a robust reporter's privilege. G.S. § 8-53.11. The privilege applies regardless of whether information is confidential or nonconfidential, published or not published and applies to all aspects of a news operation.
- **A journalist can waive the privilege by answering any questions posed by a party looking for information.** The appropriate response when receiving an inquiry about a story – particularly if the inquiry comes from a lawyer – is that the caller needs to talk with the editor or publisher. The editor or publisher should “hear out” the caller, receive any question, and then refer the matter to legal counsel.
- **If a journalist gets a subpoena, it is important to act quickly.** The Rules of Civil Procedure permit response by Objection – rather than a motion to quash – within the first 10 days after receipt of the subpoena. After that, a newspaper will have to file a motion to quash, which will be far more time consuming and costly.
- The privilege can be avoided or overcome if it is waived by the journalist or if the party seeking documents or testimony can prove that the information is essential to the outcome of the case and unavailable from any other source.