

Subpoena Impact on Texas Newsrooms

- Given the lack of protection in Texas afforded by current statutes and case law, the only recourse journalists have to protect sources is their willingness to resist a subpoena and suffer the consequences. In some cases, those consequences can be jail. In other cases, there can be enormous financial exposure for the media company who employs the journalist. In still others, the journalist can face escalating fines and personal bankruptcy. To fight a subpoena is a costly proposition -- upwards of \$10,000 generally because there is a briefing and hearing involved.
- Because there now is no legal basis to fight a subpoena issued to a reporter or a news organization, the organization and reporter are open to unlimited requests for notes, testimony, tapes, etc. This severely burdens a newsroom's time, energy and resources by requiring the reproduction of materials, most of which can be obtained elsewhere, whenever they are requested. Responding to subpoenas distracts from the task of delivering news and the public suffers as a result.
- In recent years, one large market TV station with a full-time investigative unit received a subpoena almost once every 6-7 days.
- A Tyler TV station received 65 subpoenas in 2004. That's one every six days.
- The average Tyler TV newsroom received approximately 22 subpoenas a year in 2006-2008.
- The average Corpus Christi TV newsroom received approximately 11 subpoenas a year in 2006-2008.
- A Corpus Christi television station was served with subpoena requesting voluminous materials, which it spent countless hours producing to comply. When counsel for the station called to discuss this matter with the subpoenaing party, it was learned that the case had settled but no one had bothered to inform the television station.
- The average Dallas - Fort Worth TV newsroom received approximately 38 subpoenas a year in 2005-2008. More broadcast newsroom subpoenas came from prosecutors in the DFW area, by a 3-2 ratio.
- A Dallas TV station received four subpoenas in one day.
- Houston TV newsrooms averaged approximately 30 subpoenas a year in 2005-2006. Broadcast newsroom subpoenas there are evenly split between prosecutors and trial lawyers.
- A Mineola radio station's one-man news department was effectively shut down for nearly two days by complying with a subpoena in a DFW area civil suit.

- The average Rio Grande Valley TV newsroom received approximately 35 subpoenas a year in 2005-2008. Broadcast newsroom subpoenas there were evenly split between prosecutors and trial lawyers.
- The average Odessa – Midland TV newsroom received approximately 3.5 subpoenas a year in 2006-2008. More subpoenas came from trial lawyers there.
- San Antonio TV newsrooms received approximately 30 subpoenas a year in 2005-2006. Broadcast newsroom subpoenas there were evenly split between prosecutors and trial lawyers.
- Large market Texas newspapers typically receive 10-20 subpoenas a year.
- The number of subpoenas served on smaller market Texas newspapers varies, but many report 2-3 subpoenas a year.