MLRC STUDY SHOWS SHARP DECREASE IN NUMBER OF MEDIA TRIALS FOR LIBEL AND PRIVACY

But high proportion of cases going to trial in Virginia state courts.

Now in its 34th year, the Media Law Resource Center’s 2014 REPORT ON TRIALS AND DAMAGES has added 12 new cases from 2012-13 to its ongoing study of trials in lawsuits against the media with libel, privacy and related claims. This is a 37 percent drop from the 19 cases reported during the prior two year period, 2010-2011. It is also a reduction by more than half in the average number of cases per year from the first decade of the 2000s (13.7/year vs. 6/year). This continues a long-term trend of reduced numbers of trials over the decades.

Significantly, of the twelve 2012-13 cases, 50 percent of them (6 out of 12), originated in Virginia: five state court cases and one federal case. We believe the concentration of cases going to trial in Virginia state courts is related to the limited availability of procedures that allow courts to dismiss cases before they have to go to trial. MLRC will be watching to see if this proves to be a longer term trend.

The MLRC REPORT is an ongoing study of libel, privacy, and related claims against media defendants, showing the results and trends in this area of First Amendment litigation in trials from 1980 to present. Overall, MLRC’s 2014 REPORT analyzes 597 trial verdicts from 1980 through 2013, as well as hung juries and default judgments. The vast majority of the trials in MLRC’s study involve defamation claims, with well over 70 percent of the cases having only defamation claims.

The findings of the 34-year study include:

- **Media defendants prevail on appeal more often than at trial.** While Media defendants have only won 41.5 percent of the cases in our REPORT at trial, they ultimately, after post-trial motions and appeals, prevail in the majority of cases, paying no damages in 55.8 percent of cases at the end of the day.

- **The average trial award in the 2010s, at $2.6 million, is relatively close to 34-year averages.** The average award in the 2010s is $2.6 million, close to the average trial damage award during the course of our 1980-2013 study, $2.84 million. However, the median award in the 2010s is $1.0 million. This is much higher than median damages over the decades, $302,000. This indicates that that there has been less variability in the size of awards in the 2010s compared with past decades.
• While there has been a decline in the overall number trials over the decades, the drop in the number of cases involving newspaper defendants has been larger. Over the decades, the number of trials dropped from 268 in the 1980s, to 137 in the first decade of the 2000s, a decline of 49 percent. And while the majority of all trials from 1980 to 2013 involve newspapers (54.3 percent), trials involving newspapers represent the greatest decline of any media defendant category. The number of cases involving newspapers dropped from 164 in the 1980s to only 52 in the first decade of the 2000s -- a 68 percent decline in newspaper trials, much higher than the decline in trials overall.

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Who we are:

The MEDIA LAW RESOURCE CENTER, INC. (MLRC) is a non-profit professional association for content providers in all media, and for their defense lawyers, providing a wide range of resources on media and content law and policy issues. These include news and analysis of legal, legislative and regulatory developments; litigation resources and practice guides; and national and international media law conferences and meetings. MLRC also works with its membership to respond to legislative and policy proposals, and speaks to the press and public on media law and First Amendment issues.

MLRC was founded in 1980 by leading American publishers and broadcasters to assist in defending and protecting free press rights under the First Amendment. Today MLRC is supported by over one hundred and twenty members, including America’s leading publishers, broadcasters, and cable programmers, internet operations, media and professional trade associations, and media insurance professionals. The MLRC’s Defense Counsel Section includes more than 200 law firms in the United States, and around the world, that specialize in media defense representation.