

Streaming video from Missouri's high court

Newspaper handles experiment

So many things happened in the last month or so that I want to mention that I hardly know where to begin. Two are law-related, while the third is advertising-related. I'll talk about the law things first and end with the advertising matter, although it's law-related, too. You advertising folks hang in 'til the end.

The biggest news began with a historic argument at the Missouri Supreme Court. It was a sunshine law case. Some of you are aware of the case that originated in Cape Girardeau, filed by a county commissioner against the county commission.

The case involved, in part, a discussion held in a closed meeting that allegedly was not listed in the meeting notice or voted on with a reason for the closed meeting. Indeed, it allegedly was not even a proper subject for a closed meeting.

Jay Purcell, the commissioner filing the suit, first was told by the circuit court that the law was not violated. His attorney, J.P. Clubb, filed an appeal, and the Eastern District Court of Appeals, in upholding the circuit court, actually made its decision on the basis that the case should not have been filed against the county commission as a body, but against the individual county commissioners. The attorney appealed again to the Supreme Court, and the case was argued on Feb. 24.

What was so important about this case to all of us is that the *Southeast Missourian*, feeling that this argument was of great importance to its community, asked the court if it could "live stream" video of the oral argument. And the court agreed, a ground-breaking

decision.

Beth Riggert, communications counsel for the court, speaking of the historical event, noted, "We granted the request as an experiment, and we hope people will take advantage of this free opportunity to watch the arguments over the Internet. We always are interested in ways to make the work of the Court be as open and transparent to the public as possible. While our budget does not permit us to undertake activities like this on our own at this time, we certainly will consider any future media requests for live video streaming on a case-by-case basis. We look forward to learning more about the use of this technology to bring the Court's proceedings closer to people throughout the state."

Meanwhile, the oral argument itself was fascinating. There's a whole science among lawyers in listening to the judges' questions and trying to deduce where the court will go with its decision based on the questions.

The court seemed quite interested in the fact that Purcell had sued the county commission as an entity (which, of course, includes him suing himself) as opposed to the practice of suing each member individually and in their official capacity as members of the body.

Judge Michael Wolfe, at one point, asked one of the attorneys involved in the argument, "Show where in the statute it says you can't sue the body?" On the other hand, Judge Ray Price commented, "I think it's nonsense when a group sues itself. If you are a member, how else would you pursue the matter (than sue the members individually)?"



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All I can say, after listening to the argument, is that the judges have some clear differences to sort out as to the way a public body is sued. The decision, which usually is issued in about three to four months, will probably touch on that issue.

Speaking of legal issues, if you have an iPhone, there's a FREE app from the Missouri Bar and the Missouri Press-Bar Commission you need NOW. Go to the App Store and search for Missouri Bar. The app is called the News Reporter's Legal Glossary. Several members of the Press-Bar Commission, including your hotline attorney, helped in editing the project.

It's an incredible legal dictionary of terms you hear lawyers and the court throw around that mean nothing to you and which you can't begin to spell (it wouldn't matter because they probably aren't in your Webster's Dictionary anyway — like "damnum absque injuria." Get the app and look it up!).

Finally, for you patient advertising folks, did you read about the U.S. Supreme Court opinion regarding political advertising? The Supreme Court issued a decision allowing companies to pay for political advertising. And at the same time, it also held that attribution on those ads will not be required.

Experts have said this will make it possible for corporations and unions to donate to various groups, who will take the money and then purchase ads, without showing where the funds came from for the ad. Indeed, just last week I heard a radio ad that at the end noted it was paid for by an organization "on behalf of the entities it represents."

This decision will relate only to advertisements for federal issues (for example, Congressional campaigns). However, don't forget that you, as the newspaper, can always set your own requirements for political ads you run.

Non-federal ads will still have to meet the traditional state attribution requirements. If you run federal campaign ads, you can either rely on this and accept ads with the vague new attributions, or you can tell the advertiser that you require the more strict attribution requirements that exist on the state level. It's up to you. Of course, if the advertiser isn't happy, he may take his ad elsewhere.