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OBP News

Court Could Determine Fate Of Legal Notices In Newspapers

There's a court case playing out in Deschutes County right now that Oregon's major newspapers are watching closely. That's because the case is shaping up as a potential fight between traditional papers - those that have subscribers and free alt-weeklys - those that don't.

"Probably as long as there's been a functioning government in the United States there's been a requirement of public notice of some kind or another," says Tim Gleason, the dean of the School of Journalism and Communication at the University of Oregon. He says public notices are required under the law as a way to keep members of the public informed about government and legal activities that might involve them. And Gleason says the newspaper has long been the preferred means of communicating information deemed to be vital to the public interest.

"It may be, for example most school boards publish their budget annually, in the case of foreclosures, the fact that these properties have been foreclosed on, and that's information that's important for various members of the public to know, and in some cases, it's very important," says Gleason.

Since public notices are required by law, they're money makers for newspapers. Oregon law goes to great trouble to spell out what requirements a paper has to meet in order to publish such notices. But there is disagreement about what the law requires, and that disagreement is playing out in a divorce case in Deschutes County.

Here's the backstory: According to court documents, about 25 years ago a Redmond man by the name of Sam Imel separated from his wife of seven years. Sam and Vickie Imel never formally got divorced. And, according to court papers, now nobody seems to be able to find her. The two haven't had contact since the mid-90's. Repeated attempts to serve Ms. Imel with divorce papers have ended in failure. So Mr. Imel filed a motion with the court to serve his wife by way of publication. He decided to publish the summons in a local alternative weekly called The Source Weekly since it was less expensive than publishing in the more widely read Bend daily, The Bulletin.

Now, both Lay it Out, Inc., which publishes The Source, and Western Communications Inc., which publishes The Bulletin, have filed motions with the court arguing both for and against the proposition that The Source, which is a free paper with no subscribers, meets the requirements set forth by Oregon law. The judge in that case is scheduled to rule later this month on whether Western Communications will be able to intervene in the case.

Neither paper would comment for this story. How exactly the case plays out could be of great importance to both traditional and alternative publishers. That's because it could potentially diminish a source of revenue for one while boosting the fortunes of the other.

Nevertheless, U of O's Tim Gleason says it's only a matter of time before the internet - the same internet that turned the newspaper classified ad model on its head - catches up to the public notice.

"We'll progress to the point where all of this information or most of this information will be available online," says Gleason. "At this point, I don't know what that's going to look like. But certainly the statutes are struggling to keep up with technological change and the changing habits of the American public."

And to some extent that's already happening. Oregon recently began allowing municipalities to publish notices for competitive contracts online. Just this past legislative session, the Oregon Association of Broadcasters requested a bill that would allow public notices to be broadcast on radio and television or posted online. That bill, House Bill 3184 failed to make it out of committee.

*In the interest of full disclosure, OPB is an associate member of the Oregon Association of Broadcasters.