
Alyssa Thurston

Available at: https://works.bepress.com/alyssa_thurston/13/
workings of a typical day covering the Supreme Court. Slate correspondent Dahlia Lithwick’s chapter stands out as a must-read, and the closing chapters on Justice Brennan and Justice Stevens provide interesting close-ups of two Justices and their relationships with the press. Although there is some repetition in content—several chapters decry the state of media coverage of the Court, and several chapters discuss the impact of SCOTUSblog—this book provides intriguing details and many thought-provoking insights about the reserved yet symbiotic relationship between the Supreme Court and the press covering its work. It is a worthwhile read for journalists, political scientists, law librarians, and lawyers alike.


Reviewed by Alyssa Thurston*

¶25 The cover of *The First Amendment Bubble: How Privacy and Paparazzi Threaten a Free Press* displays a photo of a man in casual garb and of indeterminate profession typing away at a laptop, an empty but darkened desert background looming behind him. This image encapsulates one of author Amy Gajda’s primary messages: that present-day media has entered a sort of Wild West in which the Internet has enabled nearly anyone with access to a computer or mobile device to widely disseminate content. Indeed, the pervasiveness in the twenty-first century of seemingly endless new forms of technology-enabled expression—including social media, blogging, reality television, and even public comments in online news articles—has made it increasingly difficult to define just which information providers can and should come under the “‘media’ umbrella” (p.14).

¶26 Moreover, many new media providers, typically unencumbered by the training or ethical codes of mainstream journalism, consistently tend to overstep boundaries of privacy in their constant quest to gain readers or viewers. It is now not uncommon for the most intimate personal details of the lives of both public and private figures to be published at various online outlets without those individuals’ consent, all in the supposed name of newsworthiness and public interest. Many traditional news outlets, their previous dominance in the information space challenged by new technologies and new players, have also resorted to adopting privacy-invasive practices to compete and survive in the new media landscape. The interplay of these varying tensions, Gajda argues, has created a perception by the courts and society that we are living in an “age of over-exposure” (p.23) and “irresponsible journalism” (p.21), which leads to the “beginning of a realignment of First Amendment freedoms” (p.222) for the modern-day media.

¶27 Gajda, a law professor at Tulane University, is uniquely positioned to address the state of media and journalism from a legal perspective. She is a former journalist and journalism teacher with experience in television and broadcast media. Throughout eight exhaustively researched chapters, Gajda traces the history of and shift in the courts’ treatment of First Amendment freedoms afforded to the

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* © Alyssa Thurston, 2015. Research and Electronic Services Librarian, Jerene Appleby Harnish Law Library, Pepperdine University School of Law, Malibu, California.
press. Most of the twentieth century was a “golden age for journalism” (p.36), when courts subscribed to a “media-protective First Amendment doctrine” (p.21) that tended to defer to the news provider’s definition of what should be considered newsworthy and in the public interest. As a result, the media’s claims of First Amendment freedoms have historically tended to trump claims of personal privacy, even in cases in which the person claiming a violation of privacy had appeared to suffer actual harm as a result of the media’s actions.

¶28 In recent years, however, the tide has begun to turn against this “growing First Amendment” (p.220). Gajda argues that the privacy-intrusive practices of both journalists and “quasi-journalistic publishers” (p.224) have led to a sense that the “media is spinning out of control, creating harm that is both individual and collective, and that something needs to be done about it legally before we suffer tremendous societal loss” (p.12). She uses copious and detailed real-world case law illustrations to show how courts now are more likely to find in favor of plaintiffs claiming invasions of privacy and to rule against media providers claiming freedom of the press in their reporting or publishing practices. While these lengthy case retellings occasionally bog down the text, Gajda succeeds in conveying that this judicial redrawing of First Amendment freedoms could well lead to a “calamitous collapse of the First Amendment bubble” (p.221) or have a chilling effect on journalists’ ability to gather information that is truly in the public interest. Gajda concludes with suggestions on how journalists, quasi-journalists, and the courts can act to help strike a better balance between the freedom to report on legitimate news stories and maintaining respect for personal privacy and human dignity.

¶29 The First Amendment Bubble is recommended for the collection of any academic law library, especially one at a school with curricular offerings in First Amendment law, media and entertainment law, or privacy law.


Reviewed by Christine Bowersox*

¶30 Much has changed in the field of fashion law since the 2010 release of the first edition of Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys. The first edition was a comprehensive resource at the time, and the second edition has been updated to include an even broader look at the ever-expanding field. Editors Guillermo C. Jimenez and Barbara Kolsun, well versed in the field as both attorneys and professors of fashion law, have updated information contained in the previous edition and added sections on international fashion law, celebrity and model agreements, fashion finance, and others.

¶31 The treatise is broken into four main sections. The first section provides a complete overview of the world of fashion law, defined as “the legal specialty that addresses the legal issues typically faced by fashion companies and fashion design-