



# Defamation 9: Problems

Torts  
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Most rights sharable

# Defamation Problems



*News Channel 77*

“Police say Patrick Pandlinosky murdered his girlfriend in her sleep.”  
(Police did say this. But Patrick didn’t murder anyone.)

*Successful defamation claim?*

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**Probably not.** Republishing can be defamation. But this will almost certainly fall under the fair-reporting privilege.

Re-run

## Fair reporting privilege

- Common-law based.
- The media is privileged to provide a fair and accurate report of defamatory statements made in the course of legislative, judicial, administrative and other official proceedings/records, if:
  - The proceedings or records are open to the public, and
  - Relate to a matter of public concern

Re-run

## Limitations on the fair reporting privilege

- Common-law malice may defeat the privilege
- Must be “fair,” i.e., not distort the facts or omit important relevant facts that would change the reader/viewer’s perception
  - Media report should not carry a “greater sting” than the government-generated content.

*News Channel 77*

“Neighbors say an elderly woman in this neighborhood has been capturing pets and poisoning them.”

(Neighbors did say this. But no one has been poisoning pets. This statement is said over the image of the home of 85-year-old retiree Patricia, the only senior resident within a mile radius.)

*Successful defamation claim?*

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(Neighbors did say this. But no one has been poisoning pets. This statement is said over the image of the home of 85-year-old retiree Patricia, the only senior resident within a mile radius.)

*Successful defamation claim?*

**Yes—it sounds promising.** Republishing can be defamation. And this would seem to identify Patricia. But we’ll need to be in a jurisdiction where TV is libel, or where this is a crime of moral turpitude, or else she’ll need special damages.



*Farapolis Gazette*  
*Op-Ed page*

Bill Clinton is a liar.

*Would this be defamation?*

*Farapolis Gazette*  
*Op-Ed page*

George W. Bush was an  
incompetent president.

*Would this be defamation?*