

Defamation in the Digital Age

Fault

The statement is made with actual malice (public figure) or negligence (private figure). Actual malice means with knowledge of falsity or in reckless disregard of truth. *New York Times Co. v. Sullivan* (U.S. Supreme Court).



Publication

The statement is made to another about you.



False

The statement is materially false, or not substantially true. *Masson v. New Yorker Magazine* (U.S. Supreme Court).



What's Required

Damages

The statement results in reputational harm or monetary damages. Per se defamatory statements—accusations of crimes or immoral or unprofessional conduct—can lead to presumed damages.



Defamatory

The statement tends to lower your view in the community, making you appear “odious, infamous, or ridiculous.” *Chapin v. Knight-Ridder, Inc.* (4th Circuit).



Factual (not opinion)

The statement is capable of being proven true or false. *Milkovich v. Lorain Journal Co.* (U.S. Supreme Court).

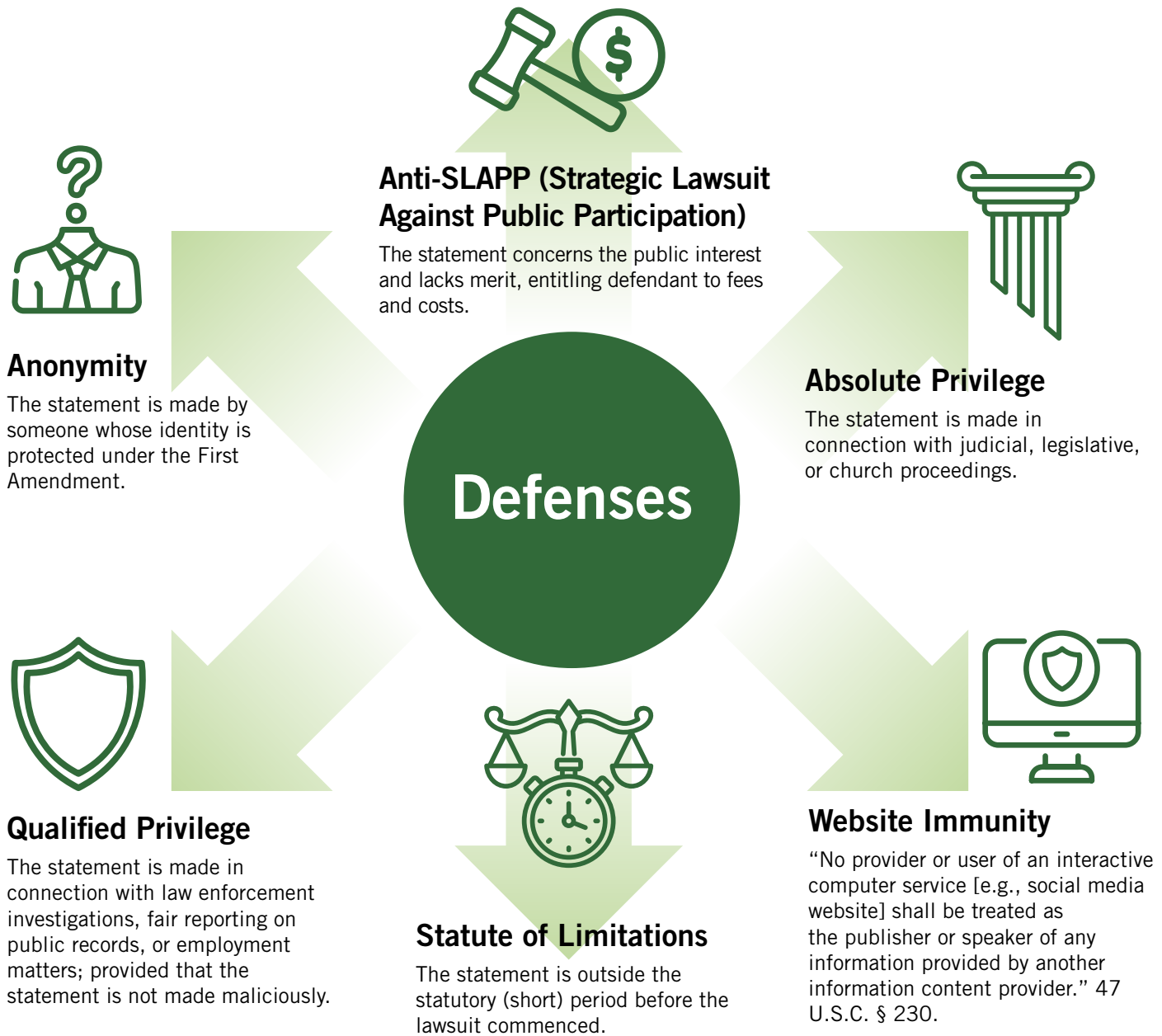


Joe Meadows

jmeadows@foxrothschild.com
202.696.1451

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