

Questions to ask yourself to avoid being sued for libel



Be familiar with red flags in any story

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Many times, under the hotline program, I review stories from your papers prior to publication in an effort to avoid potentially libelous material from making print.

Sometimes I'm asked what things I look for in doing these reviews. It's hard to list everything, because there are so many things that lawyers watch for. However, here are some of the things you might think about before sending stories to me for my review:

1. Who is the potential plaintiff?
 - Is it someone who files a lot of suits?
 - Is it someone with access to lawyers (such as business persons or, heaven forbid, lawyers themselves)?
 - Is it a public figure, such as an elected official or someone who seeks out the public eye and promotes himself and his business frequently in the local media?
 - Or is the potential plaintiff a private person, who does not seek out attention in the media?
 - Or is the potential plaintiff a minor/child?

2. What is said about the potential plaintiff?
 - Is it a statement that you might not want to hear said about you?
 - Are the "facts" in the story true?
 - Are the facts verifiable?
 - Are they from public records, or do you find that the facts come from interviews with third parties?
 - Does the reporter have copies of public records on which the story is based? (Records have a habit of disappearing at times.)

3. Are there statements about groups of people?
 - How large is the group?
 - Are any individual members identified?
 - Are the statements generalizations about groups of persons, or are the statements about individuals in the group?

4. What does the headline to the story say?
 - Does it accurately reflect the gist of the story?
5. Are there pictures with the story?
 - Do the cutlines of the photos accurately reflect the gist of the story?
 - Could the photos be misinterpreted in the context of the story?
 - Does the photo beside the story go with the story or does it actually stand alone or go with another story? (I have a great story to go with this about a photo of me published by one of our members alongside a story on sex offenders; however, I'll not pass along the details at this moment.)

6. Is the story balanced? (This is not necessarily a requirement, but it can go to show that the reporter was en-

handed and attempted to be accurate.)

- Did all sides have the opportunity to respond to the allegations in the story?

7. Is the editor aware of any bias of the reporter doing the story?

- In particular, has the reporter done stories on this subject in the past, and how does this story reflect in connection with those prior stories?

8. Who is the reporter's source?

- Is it an unnamed source?

- Was confidentiality promised to the source?

- What is the source receiving in connection with the publication of this story?

- Did money or other items of value change hands?

- Did the reporter trespass on private property to gather information or photographs for the story?

- Did the reporter have to lie to get access to information for the story?

- Were documents stolen in the process of gathering information for the story?

All of you who have labored in this profession for years understand how the answers to these questions can create a potentially libelous story or a story that creates potential litigation for the newspaper.

You may have better access to the answers to these questions than your attorney does, but each of these questions creates a red flag that should alert you that the story needs a careful review, and the reporter needs to have proper answers to avoid potential litigation.

Of course, the hotline is here to assist you in this process. While we cannot guarantee that we will prevent you from ever being sued, a second pair of eyes checking your story is a good insurance policy when you are dealing with a matter that may create problems.