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## Homework worksheet for defamation podcast

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Name:

Date:

This is the homework supplement to the defamation podcast. The podcast (COMPLETE PODCAST TRANSCRIPT PROVIDED AT END OF THIS WORKSHEET) gives you a general overview of what defamation is, but this worksheet will help you better understand how to avoid defamation and defend yourself in case you get into libel trouble. (ANSWERS ARE IN ALL CAPS)

Instructions:

Answer the following questions using the resources provided to you. List any additional resources you found on your own. Plaintiff here refers to person suing for libel.

The PIHF checklist

- Name the four elements and briefly explain the major points of each element.

1. PUBLICATION. STATEMENT MUST BE PUBLISHED, BUT DOESN'T MEAN IT HAS TO BE PUBLISHED IN A NEWSPAPER. CAN BE VIEWED OTHER WAYS.

2. IDENTIFICATION. PLAINTIFF MUST PROVE HE WAS IDENTIFIED. THIS INCLUDES NAME AND EVEN CLOSE DESCRIPTION OF THE PERSON. CAN INCLUDE GROUPS.

3. HARM. PLAINTIFF MUST SHOW PERSON'S REPUTATION WAS HARMED. JUST BEING EMBARRASSED IS NOT ENOUGH.

4. FAULT. PLAINTIFF MUST PROVE DEFENDANT DID SOMETHING THEY SHOULD NOT HAVE DONE OR COULD HAVE AVOIDED

- What is one way you can protect a person's identity? DISGUISE

- Name at least 6 "red flags" a reporter should be aware of? These are topics that have been proven to be harmful to a plaintiff.

1. SEE PAGES 108/9 IN THE LAW OF THE STUDENT PRESS FOR LIST

- 2.

- 3.

- 4.

- 5.

- 6.

There are several levels of fault a plaintiff falls under. This is described as the public official/public official rule. Describe the following levels:

Public official: HAS SUBSTANTIAL RESPONSIBILITY FOR OR CONTROL OVER GOVERNMENT AFFAIRS

Private figure: VOLUNTARILY INCREASED EXPOSURE TO PUBLIC SPOTLIGHT BY BEING INVOLVED IN AFFAIRS OF SOCIETY; ENJOY PREEXISTING ACCESS TO MEDIA

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General-purpose public figure: CELEBRITY

Limited public figure: TIED TO SPECIFIC PUBLIC ISSUE.  
Name the 2 steps in determining a limited public figure:

Private person: NEITHER A PUBLIC OFFICIAL OR PRIVATE FIGURE.

• Explain the significance of the New York Times v. Sullivan case: SUPREME COURT RULED THAT STATE WAS REQUIRED TO PROVE MALICE.

• What does malice mean?

### Defense

• List and describe the 3 common defenses against libel:

1. CONSENT

2. TRUTH

3. PRIVILEGE

• What are the 3 requirements for using privilege?

1. INFO OBTAINED FROM OFFICIAL RECORD OR PROCEEDING

2. MEDIA REPORT FAIR AND ACCURATE

3. SOURCE CLEARLY NOTED

• When would you use a retraction? WHEN A MISTAKE IS MADE AND THE PUBLICATION CORRECTS THAT MISTAKE IN ITS PAGES.

### RESOURCE GUIDE:

#### LAW OF THE STUDENT PRESS

<http://www.splc.org/legalresearch.asp?maincat=4>

<http://medialibel.org/about/>

<http://www.gsspa.org/resources/index.php?cat=9>

<http://www.walsworthyearbooks.net/contentmgr.nsf/0/ED9838E3276585D9862570BC0065FBC3?opendocument>

[http://www.naafoundation.org/Home/NAAFoundation/ScholasticPress/Media Law Presentations.aspx](http://www.naafoundation.org/Home/NAAFoundation/ScholasticPress/MediaLawPresentations.aspx)

Complete defamation podcast transcript:

Defamation Podcast for Week 6

Welcome. My name is Lori King and I'm your instructor during this tutorial podcast on defamation.

I encourage you to listen closely and take notes during this presentation because this

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lesson is supplemented with a homework worksheet. A list of resources will be included with the worksheet.

Let's start with the meaning of defamation, which is the act of harming a person's reputation by either writing or saying something that's false, or IS NOT true. The key word here is FALSE, and defaming someone either by accident or by malice can be big time expensive if you're sued. Even if you wrote something you thought was true but you found out later it wasn't true, you could still be sued. Ignorance doesn't protect you. Truth does.

So, the meaning of defamation is simple enough. The spoken version is called slander, and a published falsehood is called libel, which can include words, photos, pictures or symbols. The statement or images has to go beyond just offensive or insulting. It must be harmful. You might be wondering who decides what's harmful? Ultimately, it's the courts. Judges decide if a plaintiff is libeled, as well as the amount of monetary damages that will be awarded to that plaintiff.

It's the various ways you can defame someone that get's complicated. And as far as defending yourself, well, let's just say that job's best left to a lawyer, but it's my job to help you stay out of that kind of trouble in the first place.

I'm only going to concentrate on libel during this podcast because that's the most common form of defamation, which are civil claims governed by state law. A few states consider defamation as criminal, though. So it's important you know the law in your state.

Okay, write down these four letters: PIHF. This is an acronym and it stands for publication, identification, harm and fault. These are the four elements a person claiming they were harmed must prove to the courts to win a libel case. This is called the burden of proof, which rests on the plaintiff, or the person claiming to be defamed. These are the four things all journalists should know when writing a sensitive or controversial story about someone else.

Like it says in the Law of the Student Press textbook, "you should use the PIHF list as a quick mental checklist anytime you have a question about whether something is libelous."

You also need to know the defenses of libel in case all four of the PIHF elements are proven. Four seems to be the magic number, because there are four common defenses. The defenses to libel are consent, truth, privilege and opinion vs. fact.

In summary, you've learned that defamation is the act of harming someone's reputation by either libeling or slandering that person. And you've learned the 4 PIHF elements and the 4 defenses you need to know once you're accused of libel.

Okay, I've given you the basics, now it's up to you to actually learn and understand the 8 elements of PIHF and defense.

Using the resources attached to your homework sheet, research and explain these elements in detail. It's important you're aware of them so you can stay out of libel trouble.

Good luck.