Libel

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Libel refers to the publication of a false statement of fact that seriously harms someone's reputation

Proving Libel

- Libel charges require the plaintiff to prove:
    - Defendant published the defamatory statement
    - A 'reasonable person' will infer the statement is about the plaintiff
    - Plaintiff's reputation was harmed
    - Statement was published with some level of fault
    - Statement was published without any applicable privilege
- Truth is the most common defense against libel
    - Statements of pure opinion (cannot be proven true or false) cannot form the basis of a defamation claim

Public and Private Figures

- **New York Times Co. v. Sullivan** (1964):
  - First Amendment protects the publication of even false statements about the conduct of public officials…
  - …except when statements are made with **actual malice** or **with reckless disregard**
  - This is a very high standard that is difficult to prove, meaning **public figures** (e.g., politicians and celebrities) have a tough time winning libel claims

- **Gertz v. Robert Welch Inc.** (1974):
  - States could formulate their own standards of libel for **private figures**
    - Practical impact: Lower standard where **negligence** is sufficient

Key Takeaways

- Libel refers to the publication of a false statement of fact that seriously harms someone's reputation

- In the U.S., libel claims usually must be proven by the plaintiff, and they must prove multiple things; defendant need only show truth

- Public figures in the U.S. must clear a very high bar to succeed in a libel suit; the standards are lower for private figures