

Libel / Slander and Why Your Clients Need to Worry - Credible Claims and Successful Defenses

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NJSBA Media Law Special Committee

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New Jersey Law Center

1 Constitution Sq., New Brunswick, NJ 08901

October 26, 2018

9:00 A.M. - 1:00 P.M. ET

Most defamation cases involve ordinary people who either lash out at someone in an attempt to harm them or people who are the targets of that behavior. With so much in the news, it would be natural to think that defamation cases are only brought by the famous or infamous, but that is simply not the fact. The most influential cases in New Jersey concerned ordinary citizens such as a candidate for a condominium board, land use applicants and volunteers for an animal cruelty society. While the written word could be so dangerous we've heard that "the pen is mightier than the sword," the internet has ramped up the consequences of defamatory statements by making them easier to distribute to exponentially larger numbers of people and nearly impossible to erase. Anyone with just a beginning level of technical ability who owns a computer, tablet or phone can be a perpetrator or a victim, and they will turn to you for help.

This seminar will provide you with a comprehensive overview of defamation law including elements of a defamation claim, defenses that have proven successful, and proofs that are necessary to win. Hear from seasoned, expert defamation attorneys as they discuss the most influential cases and conduct an in-depth discussion of the challenges both plaintiff and defense attorneys face, including the First Amendment issues and the need to prove harm.

Defamation cases are emotionally charged and embarrassing and can cause thousands of dollars in damages. Don't miss this special opportunity to learn how to powerfully advocate for your clients who are involved in defamation cases

Gain an understanding of the law surrounding defamation in New Jersey, including:

- Can “fixing” a previous online post retrigger the statute of limitations?
- Is there potential liability for providing a negative reference about a former employee?
- Is anonymous posting ever really anonymous in a defamation context? (a/k/a “someone defamed me online but I don't know who it is or how to find out!”)
- Can you stop someone from posting negative comments about your business?
- Is there liability for posting defamatory content to a closed Facebook group – “I only told 2000 of my closest friends!”
- That's your opinion, or is it? When “opinion” crosses the line to actionable defamation.
- Is there liability for reposting or sharing defamatory content originally posted by someone else?
- When can a Plaintiff survive summary judgment if he/she cannot prove damages?
- What are strategies/best practices for businesses for online reputation management?