

CJ Griffin and Bruce Rosen Quoted in New Jersey Law Journal Regarding Sarah Palin Libel Suit Against the New York Times.

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2.9.22

CJ Griffin, partner and director of the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden, was quoted in the *New Jersey Law Journal* article “Palin Case Prompts Talk about SCOTUS Revamp of Libel Laws: Imagining a World Without ‘Sullivan.’” The article discusses the renewed focus caused by the Sarah Palin libel suit concerning a possible change in the standard for proving defamation of a public figure. The article notes that two U.S. Supreme Court Justices, Clarence Thomas and Neil Gorsuch had suggested that the court revisit *New York Times v. Sullivan*, which held that an “actual malice” standard applies to lawsuits by public figures, which is greater than the negligence standard that applies to other plaintiffs.

CJ Griffin, who practices media law at Pashman Stein Walder Hayden in Hackensack, New Jersey, said it's unclear how likely the court is to overturn the actual malice standard, since it's unclear how most of the justices feel about Sullivan. Griffin recognizes that some conservatives, viewing the mainstream media as liberal, are eager to roll back protections for the news media. But the same rollback would apply to conservative media, who make their share of mistakes, Griffin said.

“I think Americans sometimes do not appreciate how strong our free speech rights are in this country. Reversing Sullivan would gut free speech and would result in a chilled press out of fear of liability and retribution and that would ultimately lead to government agencies and officials being less accountable,” Griffin said.

In addition, Bruce Rosen, who joined Pashman Stein as a partner on February 7, 2022 was quoted:

Gorsuch's statements about the actual malice standard for public figures have not been as strong as those of Thomas and some others who are calling for a revisit to Sullivan, said Bruce Rosen...

Palin's case will certainly make the Times look careless, but might not provide the best opportunity for the court to overturn Sullivan, Rosen said.

"I don't think this is the case that the court will use to seize upon Sullivan," Rosen said. "There would have to be a very big shift from one-and-a-half votes to six votes. There's been many times that I've represented the media in libel cases, and judges bit their lips and said something about how irresponsible that particular piece was, like, 'I don't like the smell of this but the law's the law.' I think that's where this is going."

To view the full article, [click here](#).