

Defamation and other TORT claims

IN GENERAL Libel is a type of defamation. Libel refers to written words that are false and defamatory, while slander refers to spoken words that are false and defamatory.

Slander is the defamation tort that requires that there have been defamatory statements made in a non-fixed, transitory representation. Typically, slander involves oral statements that are made. Libel, on the other hand, is the tort for when an individual has been subject to a defamatory statement made in a print or fixed medium, like a newspaper or tabloid. Because of the requirement of damages, it is not enough for a person's feelings to be hurt. The statement or article in question must have caused some damages to a career or something else.

When talking about publishing a statement in defamation terms, a statement is considered "published" when it is made to the third party. Without the statement being made to a third party, it is not defamation, it's merely name calling or rude.

In the employment setting, employers enjoy what is called a conditional privilege to make defamatory statements about their employees. This means that statements by an employer are not actionable, in general, unless the employer knew that the statements were false or acted with what is called a reckless disregard as to the truth or falsity of the statement.

Winning a Claim in Massachusetts:

To win a defamation claim in Massachusetts, plaintiffs must prove that their respective defendants made false and defamatory statements, to a third-party, which caused material or reputational harm. Damage to a person's reputation means that the statement resulted in a person being ridiculed, hated or held in contempt, in a given community. Acts of defamation can also be lodged against a business, known as "trade libel".

In the state of Massachusetts, injured parties must prove that their respective defendants acted, in the very least, negligently. If the plaintiff is a public figure, he or she must also prove actual malice, which means the public figure must prove that the defendant knew the information was false but published or broadcast the info anyway.

We provide counsel to clients who have been defamed by any written publication, radio station, television channel, or on the Internet, or have had inappropriate or nude pictures posted on the Internet without permission.

We know that defamatory accusations can ruin your business, affect your ability to get a job, or destroy your character and reputation. The firm is experienced in recovering damages and helping to restore your reputation and livelihood.