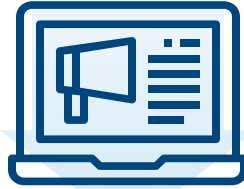


# Internet Defamation Guide

## Publication

The statement is made to another about you.



## Defamatory

The statement tends to lower your view in the community, making you appear “odious, infamous, or ridiculous.”  
*Chapin v. Knight-Ridder, Inc.* (4th Circuit).



## False

The statement is materially false, or not substantially true.  
*Masson v. New Yorker Magazine* (U.S. Supreme Court).



## Factual (not opinion)

The statement is capable of being proven true or false.  
*Milkovich v. Lorain Journal Co.* (U.S. Supreme Court).



## Damages

The statement results in reputational harm or monetary damages. Per se defamatory statements—accusations of crimes or immoral or unprofessional conduct—can lead to presumed damages.



## Fault

The statement is made with actual malice (public figure) or negligence (private figure). Actual malice means with knowledge of falsity or in reckless disregard of truth.  
*New York Times Co. v. Sullivan* (U.S. Supreme Court).



# BASIC REQUIREMENTS



**Joe Meadows**

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## Statute of Limitations

The statement is outside the statutory (short) period before the lawsuit commenced.



## Website Immunity

“No provider or user of an interactive computer service [e.g., social media website] shall be treated as the publisher or speaker of any information provided by another information content provider.” 47 U.S.C. § 230.



## Absolute Privilege

The statement is made in connection with judicial, legislative, or church proceedings.



## BASIC DEFENSES

## Anonymity

The statement is made by someone whose identity is protected under the First Amendment.



## Qualified Privilege

The statement is made in connection with law enforcement investigations, fair reporting on public records, or employment matters; provided that the statement is not made maliciously.



## Anti-SLAPP (Strategic Lawsuit Against Public Participation)

The statement concerns the public interest and lacks merit, entitling defendant to fees and costs.



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