



MEDIA

Celebrity Tweeters: Here's How to Keep From Getting Sued

Published: March 02, 2012 @ 10:39 am

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What do Ru Paul and Newt Gingrich have in common? No, this is not a political joke – they really do have something in common.

Answer: They both took to the Twitter “airwaves” within minutes of the recent ruling issued by the Ninth Circuit Court of Appeals to offer their opinion on the court’s decision overturning Proposition 8, a law that would have outlawed same-sex marriage in California.



In fact, Paul and Gingrich were just two of a host of celebrities and public figures who offered their opinion on the ruling – and the subject of same sex marriage in general – within 24 hours of the court’s decision (needless to say Paul and Gingrich were on the same side of the issue).

Twitter is no longer a new media fad. It is a game-changing social network that impacts not only the news and entertainment media but

also the approach and reach of marketing. It even affects the election of political candidates. It is here to stay.

And as Twitter continues to grow exponentially, certain “rules of the road” are emerging which govern such things as Twitter etiquette, Twitter grammar and competition for Twitter followers.

We have seen that things you say on Twitter can get you reprimanded, sanctioned or even suspended “indefinitely” from your job – as happened recently to CNN political commentator Roland Martin who was yanked off the air a mere three days after posting his thoughts about a certain underwear commercial that aired during this year’s Super Bowl.

We have also seen that things you say on Twitter can and will get you sued. The modern American law governing speech in the media has essentially evolved over the past half century, beginning with the U.S. Supreme Court’s landmark 1964 decision in the case of *New York Times Co. v. Sullivan*.

Over the past nearly five decades, media law has adapted to address issues unique to the evolution of newspapers, magazines, television and radio broadcasts, movies, and the Internet. The newest forms of speech – what we have come to know as blogging, chat rooms, message boards, and, of course Twitter – are forging new ground in the law.

Rules of the road are also emerging in terms of how the legal system will treat new media phenomena such as Twitter. Here are some useful rules for celebrities to keep in mind before taking fingers to the keyboard.

>> Assume that every single word you post on Twitter or any blog will receive widespread attention and scrutiny. Just to be safe, assume it will be read by every person in the world with access to a media device.

>> If what you are posting about a person, company, or product could be considered harmful to the reputation of that person, company or product, be *extra* careful of what you are saying. Currently, the law treats speech published on Twitter the same as it treats speech published in the *Los Angeles Times* or broadcast on “60 Minutes” – in other words, you are held to the same journalistic standards as any other reporter or news organization.

>> Anything you post can and may get you sued *anywhere* in the United States. Because the law generally allows someone to sue for defamation in their home state if the offending statements were published in that state (*i.e.*, available in that state on the Internet via Twitter), you could be a defendant in lawsuit in any court in the country.

>> You are a great target for a lawsuit because, like any other person or company with “deep pockets,” you make an attractive defendant for an opportunistic contingency fee lawyer. Defamatory speech posted on the internet by unknown people is generally not challenged in court because it is not economically viable for a person to bring a lawsuit against someone who likely does not have any money to pay any significant damages.

Do not let this give you a false sense of security. People assume that if you are famous you are wealthy.

>> Finally, even though you may think something you are posting on Twitter is just your “opinion” (and you certainly do have a First Amendment right to express your opinion), this does not mean that you will always be protected from a lawsuit. The law has struggled for decades to define the difference between a “statement of fact” and a “statement of opinion,” the former is something (generally) for which you may be sued, while the latter is something (generally) for which you may not be sued. It is not so simple and clear-cut. Do not assume that just because it is *your* opinion, a court will treat it as *an* opinion as that term is defined under the law.

Unlike sophisticated news organizations and journalists, a celebrity who chooses to blog or Tweet does not have a staff of researchers, reporters, fact checkers, and editors to ensure that the words that are published under their by-line are accurate and immune from a defamation lawsuit.

All a celebrity has in advance of their publication is generally a computer or mobile device, an internet connection and a thought. The process by which an idea becomes a published story by a news organization often takes weeks or months. The process by which an idea becomes a published story by a celebrity often takes second or minutes.

Just like with news and media organizations over the years, it will likely take an increase in the number of lawsuits to truly motivate celebrities to implement the types of safeguards that can protect from these lawsuits.

Keeping some of these rules of road in mind is at least a start.