

Defamation Law Basics

Posted by Andrews Law

DEFAMATION BASICS

Defamation Law is a subset of Personal Injury or Tort Law.

If you have been defamed you may be able to recover damages. Let's define what exactly defamation is first. Defamation is a statement that harms another's reputation; written defamation is "libel" and oral defamation is "slander." Though laws vary from state to state, there are some common law similarities in all personal injury actions for defamation. One must show that the statement was (1) unprivileged and published, meaning that it was said to a third party or printed); (2) false ; and (3) caused injury to the plaintiff, usually to his or her reputation but mental anguish is also considered a recoverable injury in some jurisdictions. It is important to note that one cannot prevail in a lawsuit where someone states an opinion no matter how terrible. There is no cause of action for defamation where the statement made is an opinion. The statement must be presented as factual. Public officials and celebrities must show that the defendant acted with malice in making the alleged defamatory statement. Whether someone is a public figure is an arguable matter and attorney assistance may be required.

What to Do.

To file a defamation complaint, one should speak with personal injury lawyer in your area and be ready to provide evidence of the alleged defamatory statements, potential witnesses and evidence of your good character, to rebut the veracity of the alleged claims.

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