

## [Defamation Lawyer: “Crime” Equal Defamation?](#)

BY ADRIANOS FACCHETTI

Plaintiffs commonly assume that courts will interpret alleged defamatory words in a strict or literal sense. But such is not the case. For example, in one case, a political candidate in [Orange County](#) filed a [defamation suit](#) against his opponent for discussing the investigation and reprimand of plaintiff for sexual harassment by the state Assembly.

The defendant made a number of alleged slanderous and libelous statements during the campaign, e.g., “[t]he bi-partisan Assembly Rules Committee conducted a thorough investigation and found that [plaintiff] was **guilty** of sexual harassment of one of his employees.”

Plaintiff argued that using the term “guilty” meant that he had been found guilty of a crime. The court disagreed and wrote the following:

“Even by the late 20th century not everyone has attended law school—yet—and thus the ordinary person still does not equate the colloquial use of “guilty” with criminal guilt. We agree with the trial court that “there is no merit to the argument that the term ‘guilty’ would connote, in the minds of an average reader, a finding of guilt by a court of law.” Webster’s dictionary recognizes this distinction and defines guilty, *inter alia*, as “justly chargeable with or responsible for a usu[ally] grave breach of conduct or a crime.” (Webster’s Collegiate Dict. (10th ed. 1996) p. 517, *italics added*.)”

Obviously the term “guilty” may connote conduct other than a crime. Accordingly, the court’s analysis was correct. More importantly, however, this case illustrates that courts do not give technical meaning to words, recognizing that people tend to use words loosely in everyday speech. This is an important concept in understanding the bounds of free speech protection.