

Plagiarism: The Gerald Posner v Miami New Times Story

"[Gerald Posner Hires Attorney Mark Lane in Legal Fight Against Miami New Times' Plagiarism Claims](#)," reports MediaBistro/GalleyCat this week. Seems that Gerald Posner believes that he's got a case for damages against *The Miami New Times* after they've outed him for alleged repeated acts of plagiarism.

Posner's gone and got himself a Big Gun for the fight. Mark Lane - the JFK Conspiracy guy. You remember him.

Who is Gerald Posner and What the Heck is This Lawsuit?

Basis of the controversy: the *Miami New Times* has claimed not only that Mr. Posner has been lifting passages from *New Times* and using them in his investigative writing for Tina Brown's *The Daily Beast* but that he's also done this in his nonfiction work -- and now there's a press release for all to read, where Lane/Posner are challenging all this hoopla as a ["campaign to destroy his \[Posner's\] opportunity to work in his profession."](#) ([Read Lane's release here.](#))

Lane's threatening a lawsuit is about to be filed based upon tortious interference and infliction of emotional distress, apparently because MNT wrote Random House - one of Posner's book publishers - and in doing so, exceeded their legal boundaries and caused legal harm to Posner.

Was There Plagiarism? Doesn't Seem to Be a Fact in Controversy That There Was. Yepper.

Gerald Posner, by the way, is a lawyer. He's also the author of [numerous investigative nonfiction works](#) on a range of topics from Motown to Hitler. Until the plagiarism controversy hit the presses last February, Posner served as Chief Investigative Reporter for Brown's *Beast*.

As for whether or not "lifting" occurred, that doesn't appear to be a fact in controversy. The Daily Beast [published an admission](#) that five lines from its story on Ben Novack's death had been "inadvertently copied" from a *Miami Herald* story written by reporter Julie Brown two days earlier. [The Lane press release recognizes multiple admissions, followed by apologies and attempts to correct errors.](#)

This snowball began its downhill run last winter, when the Novack story segued into investigations that were being made into Posner's work at *The Daily Beast*. And by investigations, I mean [Slate's Jack Shafer revelations](#).

Seems a Shafer reader initially discovered the Novack story similarities, brought his findings to Jack Shafer, and Shafer took it from there. [Shafer found lots of examples of what he considered to be Posner's plagiarism, and published them.](#)

Gawker, among others, waits with baited breath

Over at [Gawker](#), they're breathless with anticipation of this lawsuit, where an admitted plagiarist is suing the *publication that was plagiarized* for damages to *him*. [Gawker's already dubbed Posner](#) a contender for "World Plagiarism Record" with his sixteen (16) instances that the *Miami New Times* has reported.

My question: where's the probable cause for the threatened torts?

There may be many who are wondering how there is a distinctive difference between Random House editors reading *Slate* magazine and the *Miami New Times* and learning one of their authors is making serious admissions about his work (not fiction work, remember, but nonfiction: the kind of work that we readers assume to be factually accurate and trustworthy). Me too.

Here's my question: If the MNT wrote Random House, was the MNT reporter blabbing a secret? Is the letter really the probable cause of any harm to Posner's reputation and his future career? *Really????*

I was a litigator for many years, and I was raised in the Rambo era. I know the best defense is a good offense. I know being a plaintiff is much, much better than being a defendant in a trial. Let's see if the lawsuit is filed: I really, really, really want to read the pleadings.

What is Plagiarism?

Plagiarism and copyright infringement are not synonymous terms. For a good example of plagiarism, you can check admitted examples already published in the Posner stories of *Slate* and the *Miami New Times*. To learn more about [plagiarism](#), check out [Plagiarism.Org](#). Suffice to say, it's a complicated thing.

Free Online Plagiarism Checkers

There are sites offering free "checkers" where you can cut and paste your text, and the site will surf the web to insure your writing is dangerously close to another's online work. One site (which I haven't tested) is [Article Checker](#). And, there are also sites that offer a free service where you can check to see if your web writing has been lifted, like [Copyscape](#).

I can report on Copyscape -- it did help a client of mine discover that some of their law firm blog posts had been cut and pasted into an individual blog. After a cease and desist letter was sent, the offending copy was removed from the individual's site. Maybe not the sexy story of Gerald Posner and the Miami New Times, but a good example of how big this problem may be (and probably is) out there on the Internet.

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