

Do I have a claim for defamation if a newspaper reported an event inaccurately that hurt my reputation?

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Answer: Maybe, as it depends on just how inaccurate and how different from the truth the false statement was.

In *Butcher v. University of Massachusetts*, the plaintiff was allegedly falsely accused of taking pictures of young women without their knowledge on a shuttle bus operated by a college with the implication they were taken for dubious purposes. 94 Mass. App. Ct. 33 (2018). The bus driver reported this alleged activity that was later investigated as “suspicious activity” to police. The student newspaper reported and repeated the accusations with a few mistakes, one being that a student, instead of a bus driver made the report, and the other being that the pictures were taken outside on the campus instead of a shuttle bus. The plaintiff made the claim, (along with a claim that the basic story was false), that the college newspaper defamed him because it reported the allegations incorrectly.

The issue was brought to the appeals court and it rejected the plaintiff’s claim. It acknowledged that there were inaccuracies in the reporting but determined that what the newspaper reported was “substantially true.” *Id.* at 39, *citing Reilly v. Associated Press*, 50 Mass. App. Ct. 764, 770 (2003). And that the specific inaccuracies “did not create a substantially greater defamatory sting than [the] accurate report.” *Id.* *quoting Jones v. Taibbi*, 400 Mass. 786, 795 (1987).

For the record, the plaintiff still contested, apparently correctly, that the entire story was false, and was allowed to pursue that claim. But as described herein, his claim of inaccurate reporting itself was rejected.

The author submits that typically a potential litigant is too close to the facts to accurately make the determination as to whether an inaccuracy is enough to substantiate a valid claim, and further, that legal opinions may differ on various situations. Suffice to say, if you are concerned that a newspaper report, or any entities’ repeating of a factual event that is potentially defamatory, is inaccurate, get solid legal advice.

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