

Friday, April 4, 2008

Reporters and misquotes should not be like peas in a pod.

As I have said previously, journalists are fallible humans, so lawyers should resist the temptation to treat them as confidants. One reason to beware of talking with journalists about a client's case is the risk of being misquoted, whether by direct misquote (e.g., the reporter writing that the lawyer said his "client is guilty" when actually the lawyer said his "client is not guilty," or by being quoted out of context (e.g., where the reporter quotes the lawyer as saying "All the suspects are guilty," where the lawyer actually says "All the suspects are guilty except for my client." Sometimes a reporter misquotes a lawyer based on what the lawyer says in court, rather than on the basis of an interview, which means that merely declining an on-the-record interview does not automatically protect against misquotes. As a for instance, yesterday I was in court for the Westboro Baptist Church case, seeking a stay of the enforcement of the \$5 million judgment pending the outcome of my clients' pending appeal. The judge ended up granting the motion as to my clients the Westboro Baptist Church and its pastor Fred Phelps, Sr., after I agreed for a lien to be placed on their respective real property, whereby my clients will retain the right to contest the enforcement of the lien on legal grounds should the defendants lose on appeal. How, then, did a Daily Record reporter (who spoke with me after the hearing, which conversation I kept off the record) get this result so wrong by erroneously reporting that I consented to freeze the church's assets? Perhaps he was listening to the J. Geils band earlier in the morning, and got confused. I found the article with this misquote on google news, and left a voice mail with the reporter asking him to correct the error. I confirmed that, the First Amendment zealot that I am, it will remain but a request. If this is the worst misquote that I ever experience, I will be fortunate. My favorite conceptual artist, Joseph Kosuth, had a riveting exhibit in the early 1990's entitled "A Play: The Herald Tribune, Kafka and a Quote." The foregoing quote does seem Kafkaesque. Jon Katz. ADDENDUM: Later in the day on April 4, the Daily Record met my request to fix this misquote, by changing it online to saying that the judge "eventually obtained consent from Katz, of Marks & Katz LLC in Silver Spring, for the liens, pending appeal." I don't know whether the print version of the newspaper will carry a correction notice.

Posted by Jon Katz in Jon Katz in the News at 00:10