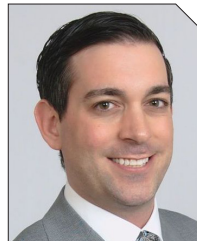


# As technology use grows, defamation cases become more common

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**D**efamation, which is the communication of a false statement that harms the reputation of an individual person or business, is something individuals can face every day.



Minc

According to Michael Stovsky, partner and chair of the intellectual property and technology practice at Benesch in Cleveland, and Aaron Minc, attorney at Meyers, Roman, Friedberg & Lewis in Woodmere, a number of ways exist to fight false claims.



Stovsky

“The person defamed has a few things they can do,” Stovsky said. “If they

know the person who is defaming them, there is a whole range of traditional legal options they have. Defamation on the internet is no different than defamation in any context. If the person is being defamed

by someone on a social media platform, a lot of the times you don’t know who the opposite party is and it makes it more difficult. All of the major social media platforms have procedures that can contact them and they will investigate. And if they think you are right, there are some takedown procedures. The problem is, the process takes time, and once the material is out there, it’s out there.”

Minc said, “Every situation is unique. There are a lot of different cases where someone is facing an invasion of their privacy or a harassment issue. There are situations where its one post, and others where people post and post and even situations where its one post but it’s gone viral. That would show you the kind of urgency it is, and determine what their course of action is.”

Stovsky and Minc both said with ease of access to an online forum, defamation can occur without the victim knowing who their attacker is.

“It’s easy to hide behind a different identity,” Stovsky said. “It is possible to drill down and find out who they are, but it takes time and with everything moving so quickly, when people read it they don’t

know if it’s true or not. Before social media became a viable means of communication, it was nothing like what you see now with the speed of how information gets out is much more frequent. You’re talking about the last 15 years when you think about when the internet became a reality for most people, that’s when it really became an issue.”

Minc said, “It’s so easy to do, and there are tools now too, where you can cover your tracks so easily, like by creating dummy accounts or hiding your IP address. It’s much more difficult to take care of the problem and to undo the damage once it happens. What happens is that the internet has become far more powerful and harmful with the distribution of false information. With people being able to do a significant amount of harm by weaponizing the internet, there is no hurdle of going onto the internet anonymously. These claims can reach millions and millions of people instantly.”

When an individual finds out he or she has been defamed, Stovsky’s biggest piece of advice is to take a breather and not to react directly.

“We get these calls from our clients and they want to lash out at the people who are defaming them,” he said. “Typically,

in the world of social media, lashing out causes a bigger and more negative response. It can be hard to hold back and keep your emotions in check. It’s like online road rage, and this can draw more inflammatory responses. Think about the consequences of your own response, and sometimes the response can be worse than the defamation.”

Minc and Stovsky both said a victim’s best bet is to contact their lawyer right away.

“If someone has an issue that they believe they’re being damaged and its really harming to their reputation, then it’s time they should get in touch with a lawyer,” Stovsky said. “Most things that people say online are innocuous and don’t really harm you. But when you believe your rep has been damaged, that’s when you should think about your remedies.”

Minc agreed, “Talk to a lawyer. If it’s not removed or remedied, it’s going to destroy that person’s business or personal life. In personal, professional and financial ways, they can’t ignore it when it gets to that point.”

*Publisher’s Note: Aaron Minc is a member of the Cleveland Jewish Publication Company Board of Directors.*

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