

Woman wins payout for slurs on blog

Ed Pilkington in New York
Thursday October 12, 2006

Guardian

A jury in Florida has awarded a woman \$11.3m (£6m) in costs and damages after a former acquaintance accused her of being a crook, a con artist and a fraudster on an internet talkboard.

The award, believed to be the largest verdict of its sort relating to individual postings on bulletin boards or blogs, was handed down by a jury in Broward County, Florida, against a woman from Louisiana. The sum included \$5m (£2.7m) in punitive damages.

Sue Scheff, who runs a small educational business in Weston, Florida, filed the lawsuit in 2003 claiming she had been subjected to 10 months of ugly criticism on the internet from Carey Bock. Ms Bock, from Mandeville, Louisiana, had posted the comments on Fornits.com, a board used by parents of troubled teenagers. Ms Bock did not attend the final hearing.

With almost two new blogs created every second, and 1.6m postings each day, said the San Francisco site Technorati, the mass of unmediated comment from individuals is changing the face of media law. "This is a growing trend because of the exponential growth in the number of people publishing on the internet who do not have the training or oversight of traditional hardcopy publishers," said Dave Heller, a lawyer with the New York-based Media Law Resource Center which monitors legal actions arising from the web.

Craig Delsack, a media lawyer in Manhattan, said that many bloggers were publishing first, thinking later: "People are thinking they can say what they want but they don't realise the long-lasting implications of what they write and that they can be held accountable. Posting is not like having a conversation in the bedroom with your boyfriend."

Several cases have come to court in which individuals have been sued by companies for their comments on the web. It is less common for private individuals, without either huge personal wealth or public profile, to sue each other.

Lawsuits currently before the US courts include that of Todd Hollis, a Pittsburgh lawyer, whose name appeared on DontDateHimGirl.com, a website on which women comment about the men they claim to have known. He is suing women who posted claims he was a transmitter of sexual diseases, which he denies.

The Florida case arose after Ms Scheff helped Ms Bock remove her children from a special school in Costa Rica. She says Ms Bock grew belligerent after she refused to give her confidential information for a documentary she was working on.

Ms Scheff says she is still paying off the legal fees and accepts she will get little of the \$11m. "But this award is vindication. I hope it does make people think twice about what they post on the internet. When people post they are writing from emotion, and it can be very damaging."

Because Ms Bock failed to defend herself, media lawyers say the award is less likely to set a precedent.

She told USA Today that she had no money to pay the damages, and said she had been silenced. "I don't feel like I can express my opinions. Only one side of the story was told in court. Nobody heard my side," she said.