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LDRC Libel Defense Resource Center

LIBEL LETTER

August 1994

"Opinion" Cases Recently Decided in Several State Courts

Within the last few months, the highest state courts of West Virginia, Nebraska, Colorado, New Jersey and Utah have had occasion to interpret and apply *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990), in cases which have turned on the issue of "opinion". In each of the cases the courts decided in favor of the defamation defendants.

Of the five cases reviewed in this article, three involved media defendants and two involved non-media defendants. Of note, in neither of those latter cases did the non-media status of the defendants seem to change the analysis. In neither did the courts suggest that the constitutionally-based decisions were inapplicable.

The highest courts in the states of West Virginia, Nebraska, Utah, Colorado and New Jersey have recently interpreted and applied Milkovich.

Not surprisingly, post-*Milkovich*, the cases turned on whether the allegedly defamatory statements or implications in dispute were objectively verifiable as true or false, with the inability to verify the truth or falsity resulting in the statement or its implication being non-actionable. An important common thread among the cases was the application of a contextual or "totality of circumstances" analysis for distinguishing between actionable and non-actionable statements or implications and a reliance on *Ollman v. Evans*, 750 F.2d 970 (D.C. Cir. 1984) or other pre-*Milkovich* opinions for the analytical concepts.

In *Maynard v. The Daily Gazette*, 1994 WL 385497 (W.Va. 1994), the Supreme Court of West Virginia held that a *Gazette* editorial about the scandalous graduation rate among student athletes at Marshall University which assigned blame to a number of individuals, including Stan Maynard, a professor and the former director of the Student Athlete Program at the university, was not actionable as it did not contain any provably false assertions of fact. The court's decision was based on the placement of the article on the editorial page, the tone in which the article was written, the context of the ongoing controversies and the fact that many of the statements were "cautiously phrased in terms of apparency," *id.* at 5, citing *Reddick v. Craig*, 719 P.2d 340, 344 (Colo. App. 1985). Even when looked at on a statement-by-statement basis, the court found no verifiable statements of fact. Certain statements -- the suggestion that plaintiff's son received an athletic scholarship from the university as a result of plaintiff's position -- raised issues that could never be determined with certainty. Other statements -- that plaintiff was part of the "corruption of college athletics" -- were "loose, figurative and hyperbolic language."

In *Wheeler v. Nebraska State Bar Association*, 244 Neb. 786, 508 N.W.2d 917 (Neb. 1994), the Supreme Court of Nebraska held that the publication of a judicial performance evaluation based on lawyer response surveys which had been released to the media by the Bar Association could not form the basis of a defamation action because the views reflected in the survey results were not verifiable. Justice Caporale, for the court, held that "[r]atings by their very nature will reflect the philosophy

(Continued on page 2)

LDRC 50-State Survey 1994-95

Order Forms On The Way

The order forms for the *50-State Survey* have been mailed. You probably have one in your mailbox. Many of you have already sent them in. Please note that there is a discount for members whose orders and payment are received on or before November 1, 1994.

This year's *Survey* features an update of the federal circuit-by-circuit outlines. In addition, this year each of the state outlines will include statutory citations and case materials on eavesdropping and related taping issues, with a featured survey on the Federal Wiretap Statute and relevant Communications Act provisions.

You will want to order many copies!

State Courts Decide Opinion Cases

(Continued from page 1)

of those doing the rating and are nothing more than expressions of subjective evaluation concerning a judicial candidate's qualifications. There is simply no objective method to determine the rating an individual should receive in any given performance category. Therefore, by their subjective nature, ratings cannot imply a provably false factual assertion" (244 Neb. at 794, 508 N.W.2d at 924). Finding that the *Milkovich* test was similar in approach to pre-*Milkovich* analysis, the court relied on the "totality of circumstances" analysis derived from the earlier cases for determining whether a statement implies a provably false assertion of fact.

In *NBC Subsidiary v. The Living Will Center*, 1994 WL 328565 (Colo. 1994), the Colorado Supreme Court reversed the Court of Appeals, holding that a television station and reporter's broadcasts concerning LWC's packet of information, forms and services about drafting and implementing living wills did not imply material assertions of fact capable of verification. NBC's broadcast characterized the packet as a "scam" and its customers as being "taken" or "totally taken." The court determined that a "contextual" test, outlined in the pre-*Milkovich* case of *Burns v. McGraw-Hill Broadcasting Co.*, 659 P.2d at 1360 (Colo. 1983), was still fully applicable post-*Milkovich*. Factors considered in the application of this test are whether the statement is cautiously phrased in terms of apparency, looking at the entire published statement in context and not just the objectionable word or phrase, and all the circumstances surrounding the statement, including the medium through which it is disseminated and the audience to whom it is directed.

In *Ward v. Zelikovsky*, 1994 WL 275341 (N.J. 1994), the Supreme Court of New Jersey held that comments about Mrs. Ward being a "bitch" and the Wards as people who "hate Jews," uttered by Zelikovsky at a meeting of the committee for the condominium complex where all three litigants resided, were non-actionable statements suggesting no specific, objectively verifiable facts. The court emphasized the need to look at context in determining actionability. The fact that this case involved a verbal dispute between neighbors made it different from a media claim in that the context -- one that lacked the measure of deliberation a jury might assume went into a printed media report -- influenced how the audience would perceive it. Face-to-face verbal abuse, albeit hurtful, is more likely to be understood, the court stated, as only non-actionable insult or name-calling.

In *West v. Thomson Newspapers*, 872 P.2d 999 (Utah 1994), the Supreme Court of Utah reversed the Court of Appeals, holding that statements published by a local newspaper in a series of articles criticizing the mayor for changing his political position on an important local issue and for attempting to manipulate the press were statements of opinion, protected by the First Amendment, and published without actual malice. The court stressed the need to look at context, including the fact that the statement in question appeared in a newspaper editorial, "a traditional source of harsh political invective."

West turned on the characterization of an "implication." This case involved the implication that the mayor misrepresented his true position to get elected. The analysis, extrapolated from *Milkovich*, adopted for dealing with an implication as opposed to a statement, is to first decide whether a reasonable fact finder could conclude that the underlying statement conveys the allegedly defamatory statement and, if so, is that implication sufficiently factual to be susceptible of being proven true or false.

The Utah court in *West* referred to *Immuno AG v. Moor-Jankowski*, 567 N.E.2d 1270 (N.Y.), cert. denied, 111 S.Ct. 2261 (1991), wherein the New York Court of Appeals recognized that state courts have a responsibility to resolve matters concerning freedom of the press under state law and held, further, that expressions of opinion are protected by the New York State Constitution.

(Continued on page 3)

FOR YOUR INFORMATION, readers should be aware of the recent decision of the Oregon District Court in *Nordictrack, Inc. v. Wilson*, 1994-1 Trade Cases. 70,631 (D. Or. 1994). This case arose from statements made by the president of Nordictrack's competitor, Soloflex, in a 1993 interview with the newsletter, "Infomercial Marketing Reports." The court granted defendant's motion to dismiss with respect to three of the defendant's seven allegedly defamatory statements and, as to the false advertising claim brought under the Lanham Act.

In dismissing three statements as not defamatory as a matter of law , the court found that one contained allegations -- that plaintiff's machines are not "genuinely isokinetic" -- which would not subject plaintiff to the kind of loss of esteem that sought to be remedied by defamation action, and that the others--that Nordictrack sought to confuse customers and that its personnel are "basically not very ethical people"--were fraught with ambiguity and not sufficiently factual to be tested in terms of truth. The court held that the remaining four statements—accusing Nordictrack of making false claims and blatant lies and of supporting its sales efforts with materials that were "dummied up"—could not be ruled non-defamatory as a matter of law.

The case was decided on the basis of Oregon rather than Minnesota law, a contentious issue since Oregon does not allow recovery of punitive damages on actions based upon speech.

Opinion after Milkovich:

(Continued from page 2)

The Utah Supreme Court looked to the other states, including New York, which had been relied upon by the drafters of the Utah Constitution and concluded that "their identically worded constitutions provide broad protection for the expression of thoughts and ideas," *id.* at 29. The court adopted the analysis used by the New York court in *Immuno*, the "totality of circumstances" test, based on the factors listed in *Ollman*. The *Ollman* analysis requires consideration of the common usage or meaning of the words used, whether the statement is capable of being objectively verified as true or false, the full context of the work or piece in which the defamatory statement is made and the broader setting in which the statement appears, 750 F.2d. at 979.

It is interesting to note that although the cases discussed above were all decided by state courts and the final decision in *Milkovich* was reached on the basis of both state and federal law, only Justice Durham of the Supreme Court of the State of Utah, in *West*, explicitly considered both levels of the law.

Justice Durham adopted the primacy approach as a model for determining when and under what circumstances courts should base their decisions on their own state laws when there are related or similar federal constitutional provisions. This approach requires a state court to look first at state constitutional law and decide federal questions only when state law is not dispositive.

In *Wheeler*, *Maynard* and *Ward*, the application of state constitutional law was not discussed. In *Living Will Center*, Justice Rovira noted the need to consider the standard for evaluating the constitutionality of statements under both the First Amendment and the Colorado Constitution but made no further mention of the applicability of the state constitution.

In the cases noted above, the state courts, applying *Milkovich*, seem to suggest that the substance of the law has not changed significantly as a result of *Milkovich*. Some courts expressly apply pre-*Milkovich* law, such as the explicit application of *Ollman* by the courts in New Jersey (*Ward*) and Utah (*West*) and the application of *Burns* by the Colorado court in *Living Will Center*. Others, such as the courts in *Wheeler* and *Maynard*, assert that *Milkovich* changed the terminology used in this area of the law, but not the underlying substance.

The consistency with which all the courts, either implicitly or explicitly (Utah, Nebraska, Colorado) seem to have relied upon the even earlier line of cases encompassing *Greenbelt Coop. Publishing Ass'n v. Bresler*, 398 U.S. 6 (1970) and *National Ass'n of Letter Carriers v. Austin*, 418 U.S. 264 (1974) for the requirement of a contextual analysis is particularly interesting.

While the West Virginia court in *Maynard* made no explicit reference to *Bresler* and *Letter Carriers*, Chief Justice Brotherton concluded, by taking into account the broader social and editorial context, that the allegedly defamatory statements were "exaggerated rhetoric".

The *Ward* court was also clearly influenced by the context in which the statement was uttered, as evidenced by the conclusion that the circumstances in which verbal abuse is uttered affect the determination of how it is reasonably to be understood and the characterization of the plaintiff's name-calling as "simply personal invective."

In sum, it would seem that the courts' journey through the evolution of the law regarding statements of opinion has led to a reaffirmation of the importance of context, a temporarily troublesome notion for the *Moldea v. New York Times Co.*, 1994 WL 159559 (D.C. Cir. 1994) court last spring.

Appellate Term Allows Wiretap Claim Against Newspaper

In what may the first such claim against a newspaper under the Federal Wiretap Statute (18 USC 2510, *et. seq.*), New York's intermediate appellate court affirmed the decision of the trial court in *Natoli v. Sullivan*, 606 NYS 2d 504 (4th Dept 1994), holding that a newspaper, although not party to the unlawful recording of a conversation, may be held liable for publishing information obtained through an allegedly sub rosa tape recording. In *Natoli*, the New York trial court had refused to dismiss the $22 million claim against *The Oswegonian*, a student newspaper at State University of New York in Oswego.

As reported in *LDRC LibelLetter*, May 1994, a local politician in Oswego, New York, at an interview with reporters from *The Oswegonian* played what is alleged to be a surreptitiously-made tape recording of his political opponents. *The Oswegonian* published "snippets" of the tape, according to James K. Eby, defense counsel for *The Oswegonian.*

"The reporters knew nothing about the recording or manufacture of the

(Continued on page 4)

LDRC wants to thank our summer interns -- **Robin Adelson, Charles Glasser** and **Kate Tapley** --for their enormous contributions to LDRC this summer. In particular, each of them made significant contributions to the articles in this edition of the LDRC LibelLetter.

Robin will be joining DCS member firm Cowan, Liebowitz & Latman in the fall as an associate; Charles will be continuing at the New York University School of Law and Kate at Columbia University Law School, where they are entering their second years. We wish them all the best and look forward to working with each of them in the future.

Wiretap Claim Allowed

(Continued from page 3)

tape," said Eby. "The paper was approached by a political candidate who played the tape for the paper. The paper never had possession of the tape."

It is not alleged that the published material is false. And there is a strong argument for the newsworthiness of the material. Thus the case rather squarely raises the issue of press liability for publication of truthful information.

Another local paper, *The Palladium-Times*, published a story about the tape after *The Oswegonian*'s story broke. Although initially named as a defendant, *The Palladium-Times* succeeded in having complaints against it dismissed by the trial court because, as a result of *The Oswegonian* prior publication, the information was already public. The trial court held under *Cox Broadcasting Corp. v. Cohen*, 420 U.S. 469 (1975) and subsequent Supreme Court precident that a newspaper could not be punished for publishing information already in the "public domain" even in the face of a statute prohibiting publication.

Eby points out that the defense of prior publication should hold for *The Oswegonian* as well, as the initial disclosure of the tape was done not by the newspaper, but rather by the politician that played the tape for the editorial staff. Moreover, as his brief to the Appellate Division noted, the plaintiffs themselves have alleged in the complaint, affidavits and various briefs in the case, that other copies of the tapes were already in circulation in the community, several having been sent to other local media outlets.

Eby said that he is currently filing leave to appeal before the New York State Court of Appeals.

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LDRC Welcomes submissions, suggestions and news of new cases and opinions from LDRC members.

3rd ED. OF LDRC BULLETIN FOR '94 PUBLISHED

The Supreme Court

The most recent edition of the LDRC BULLETIN -- the third edition for 1994 -- has been published. It has a detailed statistical analysis of actions by the United States Supreme Court in libel, privacy and related cases since 1985 and a summary of all of the claims for which hearing was sought in the last term.

The Supreme Court did not grant cert in any of the libel, privacy and related cases for which it was sought in the last term. A review of 201 petitions to the Supreme Court in such cases since 1985 revealed the following:

☑Overall, for the 9-year period studied, the Supreme Court agreed to review libel and privacy appeals in just under 6% of all cases presented to the Court (12 cases accepted).

☑Cases directly involving the media as defendants were reviewed significantly more frequently than "non-media" cases (8.4% vs. 1.4%).

☑Similarly, appeals pursued by media defendants were 3 times more likely to be heard than appeals by plaintiffs suing the media (12.8% vs. 3.8%).

☑Despite these figures, the Supreme Court has recently shown a diminished willingness to hear appeals in libel and privacy cases. This June the Court concluded its third consecutive year without accepting any cases in the area and it granted hearing in only one case the prior year.

☑When the Supreme Court did hear a libel or privacy case, it reversed the lower courts over the past 9 Terms years in more than 3 out of 4 of the appeals (77.8%, compared with a general reverse rate of between 50% and 60%).

☑Although it ruled in favor of the media's interests in slightly more than half of the cases heard during the 9 Terms studied, the Supreme Court has ruled unfavorably to the media in the last 4 cases in which there was a plenary decision, dating back to the 1988 Term.

From Blackmun to Breyer

In a related report, LDRC BULLETIN undertook to assess the effect that Justice Harry Blackmun's retirement, and his replacement with Justice Stephen Breyer, might have on the Court's ruling in future libel/privacy cases. LDRC found that Justice Blackmun, while he was not always a vocal advocate for media interests, generally voted on the media side during his 24-year tenure on the Supreme Court. As to Justice Breyer, LDRC found nothing in his judicial record to indicate any hostility to First Amendment claims in libel and privacy cases. However, in comparison to Justice Blackmun's extensive record on these issues, Justice Breyer's views are relatively unknown.

Litigators on Damages

The LDRC BULLETIN also contains a 62-page "Practitioners Roundtable: Damages" with an overview by LDRC on damage issues and special reports by Julie Foth of Employers Reinsurance Company and DCS members Thomas S. Leatherbury, Thomas R. Julin, Luther T. Munford, Mary Ellen Roy, Karl Olson, James E. Stewart, Robert L. Raskopf, Rex S. Heinke, Karen N. Frederiksen, P. Cameron DeVore, Marshall J. Nelson and Christopher Pesce, Henry R. Kaufman and Michael Cantwell.

LDRC is reprinting one of those reports from our DCS practitioners in the *LDRC LibelLetter*. The report is by Tom Leatherbury and is entitled "Developing the Early Approach to Damage Claims: The Litigator's Perspective". Tom proposes an interesting and unique set of practical discovery approaches.

COCKTAILS AND DINNER

In September you will be receiving your invitation to the LDRC Annual Dinner and, for DCS members, an invitation as well to the LDRC/Defense Counsel Section Annual Meeting and Breakfast. The dinner is on Wednesday, November 9, 1994 at 8:00 at the Waldorf-Astoria. The breakfast is the next morning, November 10, at 7:15 - 9:00 at the Holiday Inn Crowne Plaza.

And, before the LDRC Annual Dinner, there will be a Cocktail/Reception from 6:30-8:00, at the Waldorf-Astoria, hosted by Media/Professional Insurance. All LDRC members are invited!

Developing the Early Approach to Damage Claims: The Litigator's Perspective

Thomas S. Leatherbury*

When defending a libel or other tort suit, often a great deal of useful information about the damage claims can and should be obtained before formal discovery begins.[1] Information obtained in the pre-discovery stage may save money, assist in formulating a discovery plan, and aid in developing the case themes. Conducting a pre-discovery damage investigation is relatively inexpensive, and in most cases, the likelihood of discovering useful information about the damage claim makes the time and monetary investment worthwhile. As is true with formal discovery, there is no one plan to be followed inexorably in every suit. Depending on the nature of the suit -- the type of plaintiff, the type of defendant, and the circumstances surrounding the alleged defamatory speech -- different methods of pre-discovery investigation of the damage claim should be undertaken. This article presents a variety of options for litigators to consider when conducting a pre-discovery damages investigation.

As our media clients know, a lot of useful information is publicly available and can be obtained without leaving a trail. A logical place to begin the pre-discovery investigation is at the courthouse. The plaintiff may have been party to other lawsuits, and some of the publicly available information in these suits may assist you in analyzing the damage claim. In today's world of electronic information exchange, "the courthouse" no longer means only the local state and federal courts. Many larger cities, and an increasing number of smaller cites and towns, now have computer databases from which the public can easily retrieve information about lawsuits by simply inputting the name of one of the parties. Accordingly, one of the first things the pre-discovery investigation should include is a determination of any suits to which the plaintiff has been a party, regardless of whether the plaintiff in the suit you are defending was a plaintiff or a defendant in the other suits.[2] The geographic scope of the courthouse search will vary from case to case.

Obviously, if a plaintiff suing your client has made previous defamation claims relating to an earlier publication (no doubt claiming in the earlier suit that his or her reputation was destroyed by the prior publication), that allegation alone may go a long way in helping you attack the damage claim in your suit. Also, you should not ignore suits filed after the suit in which your client is a defendant.

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*Thomas S. Leatherbury is a partner at Vinson & Elkins L.L.P., Dallas, Texas, who has handled a wide variety of libel and privacy cases for media clients. He thanks Steven T. Baron for his assistance.

[1]The recent changes to the FEDERAL RULES OF CIVIL PROCEDURE relating to discovery should increase media defendants' reliance on informal discovery.

[2]In order to discover all relevant suits, you should attempt to locate not only those suits in which the plaintiff in the suit you are defending was a named party but also any suits in which the plaintiff was "involved." If the plaintiff in your suit is an individual, you should also attempt to find suits involving the businesses in which the individual is a principal or has an interest and vice versa.

This firm recently handled a case in which the plaintiff filed a subsequent libel suit against completely unrelated defendants, and, in the later suit, the plaintiff alleged that, before the later publication, his reputation was flawless. The later complaint was a very powerful piece of evidence used to attack the plaintiff's damage claim in the first suit.

When checking courthouse records for relevant suits, carefully review any pleadings that state or describe the claims and defenses because defamation claims or other information useful to you may be "buried" in pleadings. For example, I have seen defamation claims included in, among others, breach of contract cases, employment cases, tortious interference cases, declaratory judgment actions, and domestic relations suits. In reviewing courthouse records, do not forget to check for criminal cases against the plaintiff. If the plaintiff has been convicted of a crime, the conviction may be admissible in your suit. A creative trial lawyer may even figure out a way to get criminal charges or even arrests admitted into evidence even if there was no conviction.

Of course, not all libel plaintiffs have made other defamation claims, but even if the courthouse search does not lead to other defamation claims, you may discover other information valuable to you in developing your approach to the damage claim. If you discover that the plaintiff in your suit has filed bankruptcy, the publicly available information will most likely prove useful to the damage claim in your suit. In addition to the fact that the bankruptcy filing alone probably had a negative impact on the plaintiff's reputation and financial situation, depending on how old the bankruptcy is and whether it is still ongoing, you may be able to obtain a great deal of useful financial information about the plaintiff before formal discovery begins in your suit. You may even find that the plaintiff (the debtor in bankruptcy) has not scheduled his multimillion dollar damage claim as an asset of the estate or that the plaintiff has not properly sought a trustee's permission to file the libel claim.

Bankruptcies are not the only type of suits that may provide a "free look" at the plaintiff's financial situation. Some of the publicly available discovery in other lawsuits may relate to the parties' financial situations. Divorce cases may include pleadings and or affidavits relating to temporary support or permanent support of the spouse or children. These filings often include detailed financial information. Partnership disputes and other business suits also may include financial information in the pleadings or discovery. In addition to financial information, when reviewing other lawsuits, you may discover additional facts or factors that negatively impacted the plaintiff's reputation.

There is also a great wealth of information other than court records that is now available from computer databases and information services. Companies such as Dun & Bradstreet and other credit reporting services provide financial information on a large number of business and certain individuals.

In addition to gathering financial information about the plaintiff in the pre-discovery investigation, you should also gather any media coverage involving the plaintiff before and after the publication you are defending. This type of information may be useful in analyzing the plaintiff's past financial situation, reputation, and status as a public or a private figure. Once again, computer databases are an excellent and relatively inexpensive method to gather the relevant media coverage of the plaintiff. Although computer databases are a good way to begin this part of you investigation, if your client is a media defendant, your investigation should also necessarily include information from

your client's own newsroom or research department. Your client's files may include information that is not otherwise available, such as the reporter's documentation and source files. These materials may include information that was not included in the publication, but that does bear on the damage claim in the lawsuit.

Finally, you may also be able to discover information related to the damage claim from friendly or at least neutral third parties. If the alleged libel arises out of an article or broadcast, you should review the source materials with your clients to get the names of people and companies that may have information about the damage claim. Although your clients may be reluctant to embroil their sources in the early stages of litigation, our experience has shown that, after an appropriate introduction by the client, the lawyer can best debrief the reporter's sources on both damages and liability issues. You should not limit your contact with third parties to the reporter's sources. If the damage claim includes a claim for lost income, you should consider contacting the persons or entities from whom the alleged income was supposed to been received.

When considering whether to contact third parties, and if so which ones, you should not limit yourself to face-to-face meetings. Often a telephone call or a letter will provide the information you need at this stage. I know of one lawyer who has successfully utilized a written questionnaire sent to key third parties asking whether they were aware of any of the losses the plaintiff claimed to have suffered and, if so, to explain them and provide copies of supporting documentation. Although the questionnaire was just the first step in the discovery process, the simple, inexpensive process provided a great deal of useful information. Before you begin your pre-discovery investigation and throughout the investigation, you should always consider that information you send to or exchange with third parties may be discoverable by plaintiff and plan your investigation accordingly.

Depending on the nature of the plaintiff's alleged damages, you should maximize the amount of information you learn about the damage claim before formal discovery begins. In planning and conducting your pre-discovery investigation, you should use courthouse records, computer databases, your client's own sources, and other third parties creatively and effectively. In this way, you can mount the best defense possible on the most cost-effective basis.

If you have just read Thomas Leatherbury's article on discovery approaches to damage claims then you are probably already sold on the virtues of this third edition of the LDRC BULLETIN for 1994. His is only one of 10 articles in a "Practitioners' Roundtable: Damages", a 62 page analysis of the issues in damage claims and how to address them. This most recent edition of the LDRC BULLETIN also contains a Supreme Court Report, including a summary of the cert petitions filed with the Court this term and an analysis of the Court's handling of cert petitions in libel and privacy cases since 1985.

The last edition contained a comprehensive view of independent appellate review -- "*Ten Years of 'Independent Appellate Review'* -- including charting of the appellate progress of media libel and privacy claims over the last decade and a discussion of significant appellate issues and their presentation to appellate courts.

The first edition in 1994 contained a biennial update of the LDRC damage survey -- that most often cited survey in the libel and privacy field. LDRC analyzed the trial results, damage awards and appeals for 1992-93 and compared them to prior years.

These are all interesting and important additions to your media law library. So, take advantage of this opportunity to subscribe. Simply fill out the form below, enclose a check in the amount of $110 to Libel Defense Resource Center and mail it in. LDRC will send you the three already published editions from 1994 and the fourth edition, due out in October.

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LIBEL DEFENSE RESOURCE CENTER

ANNUAL DINNER

Wednesday, November 9, 1994

8:00 p.m.

WALDORF-ASTORIA

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*A*nd To All of our Defense Counsel Section Members:

DCS Breakfast
Thursday, November 10, 1994
Holiday Inn Crowne Plaza
7:15 a.m. to 9:00 a.m.

*W*atch *Y*our *M*ail *f*or *I*nvitation *a*nd *R*egistration *I*nformation