

Popular Threads on Solosez

Inaccurate Press Quotes

On Friday, a journalist interviewed me for a story about one of my cases. She said that she didn't think it was likely that it would be printed because a similar story had run in the summer by the same paper and there was really nothing new to report. But she said she'd let me know if it would go to press, which made me think that I could ask at that time to see it. But I did not affirmatively insist on seeing the article before it ran which I realize is a mistake.

The story did run. In contrast to the story from the summer, this one is much more positive and makes the Ds look bad. But it is also rife with errors, including calling depositions "dispositions," confusing the state with the county in one reference and taking one of my quotes out of context.

My client is happy with the story, however. Should I try to correct it and if so, what's the best way to do it without damaging the relationship w/the reporter.

Carolyn Elefant

Don't you hate it when that happens? Sigh. Let me say this: Every reporter screws up from time to time, including yours truly. But there's absolutely no excuse for being completely clueless about one's subject matter. Any reporter who doesn't know what a deposition is has absolutely no business writing about such a sophisticated subject as the law. It ruins their credibility and yours and makes the law seem all the more remote and unapproachable to lay people. I think you need follow up with this reporter's editor and let him/her know about the errors. No reporter worth his or her salt will be anything other than mortified to learn of the errors. If you get a cold shoulder from the reporter and/or editor, that's a clue as to just what sort of unprofessionals you're dealing with. All that said, I can tell you that NO REPORTER ANYWHERE is ever taught to tell a source that a story "probably won't run anyway." Even in school when we were doing class assignments, we were instructed to let sources know that the story could be published. Editors need to fill space. They don't send reporters out on stories they don't intend to run. You could have asked directly to be notified if and when the story was to run, but you should always assume that whatever you say during an interview can and likely will appear somewhere. However, while some publications will allow reporters or fact checkers (if they have them) to verify the accuracy of quotes, no publication worth its salt will ever allow a source to preview an entire story. Newspapers are in the news business, not the PR business. If you said it, they can print it. They don't need your permission. They also don't need your permission to tell the story as they see fit, as long as it's not completely wrong. In this case, the reporter apparently got it quite wrong. And I'm sure if you'd previewed it, you would only have pointed



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out the inaccuracies, and not tried to get them to tweak the language to improve your client's appearance. Never the less, the reason media outlets don't allow pre-publication reviews by sources is because too often it becomes a battle of "I'd prefer you phrase this this way." I'm sorry this happened to you. As noted, I've made my share of goofs (ask poor Miriam Rittmaster how I once managed to imply that she was a single mom). The point is, good reporters are ashamed of themselves when it happens, and they apologize and run a correction -- and, hopefully, they learn something and the whole symbiosis between reporters and their sources functions better in the long run. Meg Tebo Senior Writer ABA Journal Chicago, IL

Meg, I don't agree with your advice to Carolyn. And you and I have worked together a lot (and well).

My general experience in working with newspaper reporters (and it's something I do about 2/year) is that if the general thrust of the story is correct, they don't care. In this case Carolyn's comments were about "dispositions" v. "depositions" and county v. state actors etc. And taking her quotes out of context. Well, most of these are probably transcription errors.

If they are not, well, reporters take quotes out of context all the time. I could argue that they are supposed to do that in order to simplify the story. But ...

More importantly, the story was favorable to the client. That is the bottom line. I would call the reporter up, thank her/him for the favorable story, and comment gently about the transcription errors etc. In my experience the favorable story beats the minor errors hands down and I would be very hesitant to disrupt any possibility that the reporter would change positions on my client's case.

David Zachary Kaufman

While I understand the idea of not ticking off a reporter unnecessarily, my whole point is that a reporter is not supposed to HAVE a position on your client's case. He/she is supposed to report the facts. Do stories sometimes appear to "favor" one side? Of course. But ideally, only when the facts point in that direction, NOT because the reporter "likes" one side better than the other. An appropriate, calm conversation pointing out errors is always in a good reporter's best interest. Sure, you have to pick your battles and allow for some simplification of facts because this is news, not a law review. BUT, nothing drives me more crazy than reporters who mess up the easy stuff. I cringe when I hear a reporter say a civil defendant was found "not guilty" for example. I drill into my journalism students that EVERY reporter will cover some aspect of the law in their career -- even the ones who aspire to be entertainment or sports reporters (think Michael Jackson or Kobe Bryant). Getting the basic facts wrong in a law story is every inch as unacceptable as getting the basic facts wrong in any other story. It's the reporter's job to ask questions and get it right. Transcription

errors are still errors in reporting, and there are supposed to be multiple layers of safeguards in place. The first line of defense is always the reporter. If the woman who interviewed Carolyn doesn't get that, she should get out of the business. I can tell you she wouldn't even get a passing grade in my undergraduate course at an open-enrollment school, where we expect more even of under-prepared 18 year olds. And most of those 18 year olds eventually rise to the challenge. Those who don't are encouraged to find some other profession to mess up. Meg Tebo Senior Writer ABA Journal Chicago, IL

Meg, I've been dealing with national news reporters, local news reporters and international news reporters for over 10 years now. Some stories have been legal, some not. In general your comments are correct--this is what they all say they aspire to achieve. But they don't achieve it and many don't even try. I've *never* had any reporter get *all* the facts and context correct. And the errors you are talking about are very common. And, yes, while a good reporter (and there are not many of them) starts a story w/o any preconceptions, by the time s/he finishes the story they have decided on how to play it and that usually means picking a side.

I still think that since it was a favorable story Carolyn should run with it.

David Zachary Kaufman

I believe there has been some case law out there dealing with interviews as copyright subject matter. I cannot remember particularities, but I believe that the interviewer has rights over what you say during an interview, unless you have agreed upon on the contrary.

Miguel Angel Baez, Dominican Republic

Not only that, there is a US SCt. case (sorry I cannot recall the cite) which explicitly holds that the quote can be manufactured and, if it is something you might have said, it's OK to use.

David Zachary Kaufman

Amen. Bravo. What Meg said.

A pity that Professor Tebo did not teach Journalism 101 to Dan Rather.

Charlie Abut, New Jersey

I am a little late weighing in on this subject, but feel the need to, since I spent about 10 years in the journalism business before going into practice

and now serve as the Mo Press counsel. I agree with most of what's been said in response to Carolyn. As a reporter, I never liked to hear I was wrong, but I needed to be corrected. I tried to always be accurate, but mistakes inevitably happen. (As when Mr. Speyer once was quoted in a story but his name came out "Spire." Stupid, stupid!)

A reporter at a main-stream publication can generally be counted on to be fair and impartial in doing a story. However, I will tell you that the reader's perception of whether it is "fair and impartial" is tainted by the eyes of the reader. I have been through too many libel cases to believe that everyone has the same impression of a story after they read it. You, the reader, ALWAYS bring your perceptions, biases, history and personal knowledge to the table when you read a story. So there is the potential for guilt on both sides.

And I cannot tell you how many times i was given information AFTER the story ran that if I'd been provided that BEFORE the story ran, the story would have been significantly different. Communication is DEFINITELY a two-way street.

And, in the end, communication is what is necessary. After the story is done, it's nice to call the reporter and say thanks. It's a blessing to call the reporter and explain what is wrong so they don't make the same mistake twice. They may be obligated to make a correction, even if you tell them not to do so. It's nice to give a reporter a heads-up when something is happening about which they might be interested. It's even nicer if you point them toward a source (internet or whatever) that helps them find in WRITING the background they need to be accurate in their reporting on the matter.

Good luck to all of you in your media dealings!

Jean Maneke

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