

Speaker to sue for libel, slander

Written by News Desk

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By [BOB MARTIN](#)

Alabama Speaker of the House Mike Hubbard said last week that certain people are trying to defame him and he has employed a lawyer to file lawsuits, if necessary, to stop them.

Hubbard, a Republican from Auburn, has hired Birmingham attorney Mark White to investigate groups and individuals he alleges have made unfounded and libelous statements against him. White told me that some of the people who Hubbard believes have made defamatory remarks about him have already been sent letters. He said Rep. Joe Hubbard of Montgomery was sent a letter but Hubbard said last week that he had not received such a letter. Perhaps he has by now.

Although Hubbard did not name the groups or individuals being investigated, he called them "paid operative bloggers." Some, he said, have made certain accusations about him regarding a special grand jury being held in Lee County to look into possible political corruption.

The public has a right to criticize the people who govern them, so the least protection from defamation is given to public officials. When officials are accused of something that involves their behavior in office, they have to prove all of the above elements of defamation and they must also prove that the defendant acted with "actual malice."

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The area of law most implicated by that type of conduct is "defamation of character", a cause of action which is generally defined to include "libel" and slander." Typically, the elements of a cause of action for defamation include:

1. Making false and defamatory statements concerning another, or the unprivileged publication of the statement to a third party (that is, somebody other than the person defamed by the statement).
2. If the defamatory matter is of public concern, fault amounting at least to negligence on the part of the publisher; and Damage to the plaintiff would have to be proved. In the context of defamation law, a statement is "published" when it is made to the third party. That term does not mean that the statement has to be in print.
3. Damages are typically to the reputation of the plaintiff, but depending upon the laws of the jurisdiction, it may be enough to establish mental anguish.
4. Generally speaking, defamation is the issuance of a false statement about another person, which causes that person to suffer harm. Slander involves the making of defamatory statements. Libel involves the making of defamatory statements orally or in a printed or fixed medium, such as a magazine or newspaper.

However, public officials and public figures have a much harder time proving that matters spoken about them are defamation. The public has a legal right to criticize the people who govern them, so the least protection from defamation is given to public officials and public figures. When officials are accused of something that involves their behavior in office, they have to prove all of the above elements of defamation and they must also prove that the defendant acted with "actual malice."

It's an interesting development to stir the political soup in Alabama. As the letters by White are churned out, it will become more interesting. But no matter how much "hot air," relief will only come from a court of law.

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Alabama Power will reduce rates

A dispute has been raging as to whether or not the recent action by The State Public Service Commission will actually lower utility rates in our state. The Power Company says the action by the PSC provide an average savings of \$30 to \$110 per year the average power company customer.

George Clark, president of Manufacture Alabama said this week the rates would be lowered by that estimated amount. It is said to mean a \$40 million reduction in the revenues for the power company.

"Some in the media have tried to characterize the PSC's decision as confusing, but it shouldn't be," Clark told me last week. "No one, even those who disagree with the decision, disputes that the PSC decision will reduce Alabama Power's profits," Clark says.

One of the three PSC commissioners, Terry Dunn has stated publically that the PSC decision won't save customers money. "It clearly will," Clark states "and (Dunn's statement) turns the issue into political theater."

A good friend is gone

My good friend Tom DeBray. a lawyer in Montgomery, was laid to rest Tuesday after services at First United Methodist Church. He was just 58; to young to die. Tom suffered a brain aneurism last week. I last saw him when he dropped me off at home after we returned from an Atlanta Braves game on September 26th. He was a great guy with a sense of humor and a great person to have as a friend.

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