

## **Opening Statement for Defense**

The 1948 U.S. Presidential election was a hard fight for Harry Truman. No one thought he had a shot and the folks at the Chicago Daily Tribune didn't think so either. At the time, the returns looked like a landslide for Dewey. Papers were printed up early and just after their delivery the returns started to show Truman as the winner. Can you imagine what the boys at Chicago Daily Tribune were doing? They had no idea that history had been made by the headline "DEWEY BEATS TRUMAN". President Truman's response, "this one's for the books". Mistakes can only be fixed as soon as we see the error. That is what my client did in today's case. As soon as they saw their error they rushed to correct it. At the time, they were doing what any good news program would do; they were bringing the news to the people as they saw it at the time.

My name is Skylar Holland. Today I am joined by my co-Counsel Larry Pounders and Ana Jimenez-Gregory and we represent the defendant in today's matter, Blitz News Network.

**The evidence will show that** On the night of September 24, 2006, Midlands's gubernatorial candidate Drew Walton participated in a gun control debate against Professor Lane Hamilton at the Midlands Civic Center. After the debate, the two became embroiled in an argument in the civic center parking lot and sometime during that argument Lane Hamilton was shot. Within the hour, blitz news network reporter Reagan Thomas-present to cover the debate-was on the scene gathering information about what had occurred like the rest of the reporters there that night. And BNN later ran the story, **relying on the information available at that time**.

The plaintiff is the only one here today with a burden of proof. They must prove with clear and convincing evidence that my client acted with actual malice in publishing a false and

defamatory communication. They must also prove with clear and convincing evidence, the five elements of libel. 1) The defendant published a statement of or concerning the plaintiff 2) The statement is false 3) The statement is defamatory in nature 4) The defendant is at fault for the publication 5) The plaintiff suffered harm or injury as a result of the publication. This, however, is an impossible task.

Today we will call three witnesses. The first is Reagan Thomas. Reagan Thomas has a journalism degree from Columbia University. Reagan Thomas will **tell you** about the information he gathered through eyewitnesses and their interviews prior to the running of the story. The second is Jan Patel. She is a janitor employed by the Midlands Civic Center. Jan Patel will **tell you** that she was an eyewitness to the shooting and was there for the events that followed after it as well. The third is Kit Berkshire. Kit Berkshire has a Broadcast Journalism degree from Swarthmore College as well as a joint degree from Harvard's law and Business Schools. Kit Berkshire is also currently the President of BNN. Kit Berkshire will **explain to you** that she and BNN have high journalistic standards and used those standards in their decision on the night in question.

When BNN **learned** that the police were no longer considering Drew Walton as a suspect, they retracted a portion of their story. Even if this was a case of bad journalism, the evidence will show today that bad journalism does not equal actual malice. Being wrong is not malicious. **After you have had the chance to see and hear all of the evidence in today's case, my co-counsel, Larry Pounders, will come back before you and ask you to return the only verdict that the evidence will support – a verdict that BNN is not liable.** Thank you.