

## Publications

### Five Things to Consider Before Filing an Internet Defamation Claim

#### Related Attorneys

Whitney C. Gibson

**AUTHORED ARTICLE** | 6.3.2014

*Texas Lawyer*

Whitney Gibson co-authored an article for *Texas Lawyer* titled “Five Things to Consider Before Filing an Internet Defamation Claim.” In the article, the pair highlight that lawyers must weigh the damage caused to a client by an online attack against the potential client's likelihood of success, the financial costs to pursue the claims and the possible risks moving forward.

The article states:

*“It is necessary to use a cyber-investigator, a subpoena or a combination to identify the anonymous author of the disparaging remarks.*

*A cyber-investigator can provide information on the author's motives and the power of the content's link in search rankings. The cyber-investigator may be able to find information on how to reach the author, or lawyers may need to turn to a series of subpoenas: one to produce the internet protocol address and a subsequent subpoena to the internet service provider to learn the internet subscriber's name.*

*Once investigators identify the author, litigants can name him or her as a defendant in a lawsuit, and the lawyer can try to obtain court orders (via agreements or judgments) that state the post contains false and defamatory information.*

*Essentially, a lawyer needs to ask the court to declare the statements to be defamatory. If he or she can prove the relevant content is false and causing harm and the court agrees, the judge can issue a court order requiring the poster to remove the relevant statements. When a lawyer presents a court order to the website, most websites will remove the offending content.*

*Furthermore, search engines such as Google will typically honor these court orders and remove from their search indices links to the offending content.”*

To read the entire article, visit the *Texas Lawyer* [website](#). (Subscription may be required).

