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Stuff that matters to Wayne

What to Say and What Not to Say

Posted on March 27,2014 by Wayne Taylor

Over the last few years it has been interesting to learn just how little we all know about law, and more specifically, freedom of speech. 2013 and 2014, if I could summarize, would be for me 'The Legal Years'. My circumstances forced me to get out of the boat, shun my fear of law and lawyers and start to learn some of this stuff for myself. One of the most interesting topics is the fear of being sued for slander versus the boldness to say what you feel living in a free country. Just so we are all on the same page, here is a scenario to ponder: Corporation X is doing business in a way that is borderline criminal (except you don't know what constitutes the word 'criminal' since you aren't a lawyer...you just know it's 'very wrong'). They use contracts and expensive lawyers to oppress and dominate innocent and sorely unprepared victims. You are just one of many victims under their regime. Finally, they go too far. Inside of you the 'enough is enough' voice cries out for justice followed by the 'it's time to expose this dung' shout. You look up the local media and get ready to dial. You call up your friends and family to let them know you will be the one to save the victims and shut down the killing machine. Then, your friend says to you "Won't they sue you for going to the media?" Your heart sinks. You don't know. You don't have the answers. You've heard stories of 'libel' and 'slander' and you know they have a much bigger bank account than you do to fund their cold, cruel lawyers' single malt Scotch addiction. Sound familiar? In short, there is no simple answer but I'd like to present the following questions to ask yourself which may generate answers that may influence your direction:

- Do you have anything left to lose financially?
- Is this an issue of finances or principles? For example, if these people offered you a nice payout, would you sign an agreement to close your mouth about everything and not sue them in the future or do your principles supersede this?
- Is this an issue rooted in the desire for personal vengeance or or the desire to expose wickedness to protect others?
- Do you plan to sue these people?

Of course you should work with your lawyer to decide the answers to the above questions and the appropriate action. Your lawyer will likely not want you opening your yap at all but here are some guidelines I have learned over the years and would like to summarize for you:

1. Stick to the truth - the cold hard facts.
2. Don't blow things out of proportion.
3. Only talk about things you know about from first hand experience, not what third parties have told you or heresay
4. If asked questions tell the truth but don't volunteer information unnecessarily - don't go out of your way to cause trouble for the other party and make it look like you are trying to hurt them
5. Everything you say can be used against you in court of law (sounds like that line the police say in American movies when they are getting arrested). So be careful, especially with the press.

There are two potential dangers:

1. You can be sued for slander if you say untrue things that are published and that hurt the

company/individual's reputation.

2. Anything you say can be used against you in a lawsuit.

Lastly, [court documents such as the notice of civil claim](#) are public documents. There is no problem with repeating what is said in them, just keep in mind that the notice of civil claim contains allegations, not proven facts.

Last words of advice, be careful but don't be afraid to tell the truth and to tell your story of injustice

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