

Lobbyist and N.Y. Times Settle Libel Suit

Digital Media and Data Privacy Law Blog

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Posted in Defamation

We previously reported that Vicki Iseman, a Washington lobbyist, filed a defamation lawsuit in December against the New York Times over an article published during the 2008 presidential campaign. In particular, Iseman contended in her complaint that the article falsely implied that she and then-candidate John McCain had carried on an illicit and inappropriate romantic relationship while Iseman worked for clients before a Senate committee chaired by McCain.

Yesterday Iseman and the Times announced that her claims had been resolved and the lawsuit dropped. The terms of the settlement were somewhat unusual in that the Times neither paid money to Iseman nor retracted the article, which remains available on its website. Instead, the Times permitted Iseman's lawyers, including noted First Amendment scholar Dean Rodney Smolla, to express their views about Iseman and the article on the Times' website. Her lawyers' statement appears [here](#).

The Times and Iseman also issued a joint statement, which stated in part:

The Times has maintained that the article was an accurate, important examination of the record of Mr. McCain, then the presumptive Republican presidential nominee, as an ethics reformer who was at times blind to potential conflicts of interest; the section of the article referring to Ms. Iseman focused on the fact that some top McCain advisers had confronted the senator with their concerns that the relationship had become romantic.

To resolve the lawsuit, Ms. Iseman has accepted the Times' explanation, which will appear in a Note to Readers to be published in the newspaper on February 20, that the article did not state, and The Times did not intend to conclude, that Ms. Iseman had engaged in a romantic affair with Senator McCain or an unethical relationship on behalf of her clients in breach of the public trust. Several of Ms. Iseman's clients and others state that she is respected, professional and effective in representing her clients' interests.

The "Note to Readers" referenced in the joint statement appears [here](#).

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Settlement spares the Times the time and expense of litigating several knotty legal issues we identified in our previous post. As James Rainey of the Los Angeles Times reports, the extent of the Times' success in the legal arena over the disputed article is clear; the degree of its journalistic success in publishing the article as written in the first place remains open to debate. In addition, the flurry of statements issued in connection with the settlement, including from Times executive editor Bill Keller, has sparked its own commentary.