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Jury awards \$60,000 to man who blames blogger for his firing.

While still not common, social media lawsuits are on the rise, and they are blazing new trails in the areas of employment, defamation, and libel law in particular. One such lawsuit involves a blogger whose social media tag is Johnny Northside.

Northside, aka John Hoff, is a Minneapolis blogger who wrote a scathing blog post about former Minneapolis community council director Jerry Moore. After being fired from his position with the community council, Moore was hired by the University of Minnesota in its Urban Research and Outreach/Engagement Center to study mortgage foreclosures. In his blog, Hoff accused Moore of being involved in a high-profile, fraudulent mortgage scandal that resulted in another individual being sentenced to sixteen years in prison. Moore was never charged in that case. Nevertheless, the University fired Moore the day after Hoff posted his blog. Hoff, in a later posting, took partial credit for Moore's termination.

Moore filed a lawsuit against Hoff alleging, among other things, that Hoff tortiously interfered with his employment when he posted the statements about him. The Hennepin County, Minnesota, jury agreed and awarded Moore \$35,000 for lost wages and \$25,000 for emotional distress.

While the verdict is relatively small, the impact that it could have is potentially great. First Amendment and free-speech scholars and advocates are following this case closely to see whether Hoff appeals the case and, if so, how the appeals court will rule. Hoff has indicated that he intends to appeal and is enlisting several free-speech organizations to write amicus briefs addressing the impact of the lawsuit on what is now called, "citizen journalism," among other issues. Those who support the verdict say that the verdict demonstrates an expectation that bloggers and other "citizen journalists" must have a sense of responsibility for what they write. Moore's attorney went as far as to argue that Hoff should be responsible for comments made by others on his website because he created a "defamation zone."

In a similar case, an NBA referee recently filed a lawsuit against the Associated Press and one of its sports writers alleging that the writer's tweets about him on Twitter caused his employer, the NBA, to launch a disciplinary investigation and damaged his reputation. The case involves a tweet by the reporter suggesting that the referee made an intentional bad call to make up for an earlier call.

These cases raise a number of interesting and unique questions for social media sites and bloggers, as well as employers. In most circumstances, employment is "at-will," meaning an employer can fire an employee for any, or no, reason as long as it is not unlawful. Most likely, that is why neither of the employees in the cases cited above took action against the employer who took adverse action against them based on the social media postings. Nevertheless, until courts have issued enough rulings in social media cases to give employers some consistent guidelines to follow, employers should continue to seek counsel before making any employment decisions based upon, or related to, social media postings.

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