

A television reporter makes a mistake. What should be done?

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ABSTRACT

What should a television broadcaster do when a mistake in reporting the news is made slandering someone? Do you immediately admit it and move on or do you try to avoid correcting it? What is your ethical obligation to the public and to the individuals involved? This case examines the actions taken by a news reporter and her employer who faced these questions.

Keywords: Pill mills, broadcast, reporter, correction



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THE BROADCAST

On July 29, 2010 agents from the FBI, the DEA, and the Duval Sheriff's Office raided two pain management clinics in Jacksonville, Florida. First Coast Pain and Urgent Care, Inc was located at Lane and Normandy Boulevards and the Duval Wellness Clinic was located on Main Street. Jackelyn Barnard, Chief Investigative Reporter for First Coast News in Jacksonville, Florida went on television at noon in front of the clinic on Main Street and gave a detailed report on the clinics. In that report, she stated, "We have been investigating these clinics for months. We have been on the inside of these clinics. We know who runs these clinics. They are run by two brothers-one a doctor and a lawyer based here in Jacksonville." She also said they would have more on the evening news.

Concurrently with the broadcast, Ms. Barnard posted a report on First Coast News website that included a statement "According to state records, the two clinics are run by Dr. Donald Hall and George Hall an attorney."

In the evening news report, Ms. Barnard broadcast an additional report on the clinics detailing the history of the Main Street Clinic. In that report, while showing a picture of George Hall's residence identifying the expensive neighborhood in which George Hall lived she stated "he also ran the Normandy Clinic"

Questions for discussion:

1. Ms. Barnard presents several statements as fact about Mr. George Hall. What sort of proof should she have to support these statements?
2. When should she state it is her opinion rather than fact?
3. Discuss the appropriateness of showing Mr. Hall's residence in the report?
4. What sort of state records should she have had to make the statement about the clinics being run by the Halls, specifically George Hall?
5. What should she have done to verify her statements about Mr. George Hall?

THE "UPDATE"

Mr. George Hall contacted Ms. Barnard the day after the story aired to advise her of the errors in her statements. He was not Dr. Hall's brother and he had no ownership or operating role in either clinic. Ms. Barnard asked if he wanted to go on camera and he declined. Ms. Barnard made no changes to her reports, and the videos and the reports continued to run on the website. Mr. Hall retained an attorney who contacted Ms. Barnard which resulted with her making the following changes to the website. "According to state records the Normandy clinic is registered to Mr. George Hall." This statement was based on Mr. Hall being the registered agent for the Normandy clinic. Mr. Hall's attorney again contacted Ms. Barnard and explained what a registered agent is and objected to Ms. Barnard's characterization of "being registered" to Mr. Hall. He also indicated that she still needed to address the prior incorrect statements about Mr. Hall running the clinics. The attorney again advised that Mr. Hall had no involvement in running either clinic. He also advised that Mr. Hall had received a grand jury subpoena as a result of the reports and that the story needed to be corrected quickly. No corrections were made.

After waiting several weeks for Ms. Barnard to respond to the notifications that her reports were incorrect, Mr. Hall and his attorney sent a formal notice to the station manager

demanding a retraction of the defamatory reports. The response broadcast on the 6 pm news on November 23, 2010 was as follows:

“We have an update to a story we ran this summer. On July 29, we reported that George Hall and his brother Donald Hall ran a pain clinic at Normandy and Lane Avenue. We have documents from the Secretary of State’s office showing that George Hall was the incorporator of the clinic but we have no documents showing he actually ran the clinic. George Hall has advised us that he is not Dr. Hall’s brother and that he was not involved in the day to day operations of the clinic.”

The station also removed the videos from the station’s website where they had been running continuously for almost four months.

Questions for discussion:

1. What should Ms. Barnard have done when contacted by Mr. Hall and his attorney?
2. Is the broadcast “update” an appropriate response?
3. What more, if anything, should be done?

THE CORRECTION

Mr. Hall and his attorney believed the update to be neither adequate nor an accurate response. It simply repeated the false statements about Mr. Hall and reported Mr. Hall’s denials. Mr. Hall’s attorney sent another letter again demanding that the prior incorrect statements be retracted.

The on air and website response on December 31, 2010 was as follows:

“We have a correction to a story that ran last summer. On July 29, 2010, we reported that two brothers, Dr. Donald Hall and lawyer George Hall ran the First Coast Pain and Urgent Care Clinic, Inc. on Normandy Boulevard. There were two errors in that story. Florida Secretary of State documents show that George Hall was the Incorporator and the Resident Agent for that clinic but Mr. Hall did not run that clinic nor is he Dr. Hall’s brother. First Coast News is committed to delivering you our customer accurate information and we regret these errors. “

Questions for discussion:

1. Is the broadcast an appropriate response?
2. How accurate is it?
3. What more, if anything, should be done?

THE APOLOGY

There were no state documents referring to Mr. Hall as “Resident Agent.” After this unsatisfactory and incorrect correction, Mr. Hall’s attorney then prepared and sent a draft of a lawsuit to the attorney for First Coast News. Mr. Hall agreed to mediation of the complaint under the condition that FCN pay for it as the cost of the mediator was \$575 per hour. The case was settled with Mr. Hall receiving cash, payment of his attorneys’ fees, and a letter of apology from the President of First Coast News. Additionally First Coast News ran the following apology on their news broadcasts at 6 AM, at 12 Noon, at 6 PM and at 11 PM in September 2011.

“In July 2010 and thereafter, we reported on two local pain management clinics that were raided by federal agents and were being investigated for being ‘pill mills.’

“In connection with those reports both on the air and on our website, we reported that George H. G. Hall, a retired executive and now college professor and practicing lawyer, ran the clinics and is the brother of one of the clinic doctors. Those reports were incorrect.

“George Hall had no role in running either clinic and is not related to anyone associated with either clinic.

“These errors resulted from First Coast News’ mistakes in reporting.

“First Coast News apologizes to Mr. Hall, his family, his friends, and colleagues for these errors.”

Questions for discussion:

1. How could this affair have been avoided?
2. What could Mr. Hall have done differently?
3. Why do you think First Coast News made an apology rather than simply a correction/retraction?

