



## **Guidelines for Making Public Statements**

Jeff Roberts graduated law school and was sworn into the Kentucky Bar Association in 1992 and since has concentrated on helping injured workers and their families get the benefits they need and are entitled too. Jeff Roberts <http://www.jeffrobertslaw.com/> handles Workers Compensation claims, Social Security claims and Personal Injury claims.

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Jeff Roberts has been on the Board of Governors for the KJA <http://www.kentuckyjusticeassociation.org/KY/> since 1999 and is also a founding member of the Board of Governors for Kentucky Work Place Injury Litigation Group (KyWILG) <http://www.wilg.org/index.asp> .

### **GUIDELINES FOR MAKING PUBLIC STATEMENTS**

Feb. 2007

*by Jeffery A. Roberts*

Often times after a tragic event occurs, the media approaches family members wanting them to make a statement. In addition, there may be public or private investigations where family members are asked to make a statement and/or testify. The following is offered as a general guideline to assist families in making statements. However, it must be remembered that every situation is fact dependent and every state has its own laws. Therefore, while this is a general guide, individuals should seek appropriate advice in regard to their specific situation.

As a general rule, victims and family members are allowed to make public statements about the event, and all individuals and/or entities involved. However, there are potential restrictions on these statements. The first thing that you should remember is that any public statements that you make should not be libelous or slanderous against any person or any business. Libelous or slanderous statements could lead to a claim being made against the one making those statements. The best rule to follow in this regard is to make sure that any public statements that you make are true.

In addition, there may be confidentiality agreements that limit a person's ability to make public statements. A confidentiality agreement is usually associated with a settlement of litigation. Confidentiality agreements can prohibit a person from making any public statements about the event or any of the parties involved. Confidentiality Agreements may only limit the disclosure of the amount paid to resolve the litigation. If you have entered into a Confidentiality Agreement, you need to get specific and direct advice from your attorney as to what you are allowed or not allowed to say.

In addition to the above possible limits of your right to make public statements, you need to also remember that any statements that you make can be used by the other side in any litigation that may ensue as a result of the tragic event. The ability to use the statements against the family in litigation can be lessened by the utilization of spokesperson to speak for the family. As a general rule, the immediate family (i.e. spouse/or children) are the ones involved in the litigation. For this reason, if a spokesperson is utilized it is best to utilize someone who is not a part of the immediate family. This can be another member of the family, a close friend, or even an attorney. In addition, utilization of a spokesperson can help direct media attention to the spokesperson and away from the immediate family members. This can be beneficial to the immediate family members, especially in the period immediately following the tragedy.

In regard to public statements that are made, you can certainly talk about your loved one and what your loved one meant to you and to your family. You can talk about the support that you have received from the community and others and your appreciation for that support. These types of comments should have little to no adverse impact later on.

While you are certainly free to talk about the event, what caused the event, and who is or is not responsible for that event, these types of comments can eventually have an adverse impact later on. Certainly, if you are being given information as a family member that is not being shared publicly, any public statements that you make that would release that information could cause you not to receive that type of information from the investigating authorities in the future. Furthermore, as new information comes to light, your views about what happened and who is responsible very well may change. Therefore, it is probably best to wait till all the information is known before making any statements on those issue

For Further Information

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