

Time Settles British Libel Suit

Time Inc.'s decision last week to settle a libel case out of court was the publisher's best option given British law's strong bias against libel defendants, say lawyers who concentrate on media-law issues.

The suit was filed in response to a 1992 *Time* article in which a Soviet defector accused Dusko Doder, the Moscow bureau chief of *The Washington Post* between '81 and '85, of accepting money from the KGB. Doder, who owns an apartment in London, filed suit in British court because British libel laws are more generous to plaintiffs.

Under British law, the plaintiff does not have to show actual malice or negligence and damages are always assumed. An even greater hurdle is that plaintiffs do not have to prove the statements were false, as in the United States, but only that the allegations were indeed made. It's "pretty much like shooting fish in a barrel," said David Korzenik of New York-based firm Miller & Korzenik, LLP. Also, though U.S. courts can refuse to enforce a foreign judgment where libel laws are significantly different from U.S. law, *Time* would have no such protection since the magazine is sold in England and maintains a bureau there, said Lawrence Savell, with the New York office of Chadbourne & Parke LLP.

Under the terms of the settlement, *Time* agreed to pay Doder a reported \$262,000 in damages and legal fees. It will also print a fair report of the case in next week's issue. *Time* also publicly apologized to Doder: "...to the extent the article may have been read to reflect adversely on Doder's reputation and integrity, *Time* withdraws such reflection without reservation and apologizes to Doder for any distress that may have been caused."

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Editorial offices: 470 Park Ave. South, New York NY 10016. Tel. 212/683-3540. Fax 212/683-4364.

Editor-In-Chief: Lorne Manly Associate Editor: Robyn Fontes

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