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Subject: Candidates Think Twice Before Airing Lies!

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Candidates Think Twice Before Airing Lies!

Goosmann Law Firm filed an appeal on behalf of Rick Bertrand against the Iowa Democratic Party and Rick Mullin. The firm is appealing the Woodbury County District Court's ruling that Bertrand could not offer evidence or instruct the jury on punitive damages. "The law on punitive damages in public figure cases is closely linked to the requirements of actual malice in public figure cases," Goosmann said. "Our client believes that the District Court should have ruled in our favor on punitive damages based on the law. The Jury found the Defendants acted with malice in airing the TV ads."

Rick Bertrand, a state Senator from Iowa, said "I want this to become precedential law and stop the political machines from doing this again to other people." Bertrand recognized that "I want to prevent political operatives from telling lies about other candidates."

The Firm proudly won a \$231,000 jury verdict for Rick Bertrand against the Iowa Democratic Party and Rick Mullin. The Woodbury County jury awarded Rick Bertrand \$231,000 in damages after finding that Bertrand's opponent and the Democratic Party committed libel and slander in a television ad in their 2010 race for an Iowa Senate seat. The Iowa Democratic Party paid for the ad, which was approved by Rick Mullin, Bertrand's opponent at the time. Jurors ordered Mullin to pay \$31,000 and the Democratic Party \$200,000. "This is a victory for the average candidate who is forced to defend himself against lies made by a political organization," Bertrand stated. "When a political organization publishes lies knowing they are false, they go too far."

Jeana Goosmann "We relied on Supreme Court and Iowa Supreme Court case law that does not protect statements made about public figures if they are made with actual malice. Under the law, actual malice is shown when the defendant knew the statement was false, or acted with reckless disregard to whether the statement was false. The jury here found, even under a strict clear and convincing evidential standard, that the statements were in fact made with actual malice. As a result, the jury made clear that political lies have financial consequences." However, the Court denied Bertrand's Motion for Punitive Damages. As a result, the jury was not allowed to consider punitive damages when executing its verdict.

Bertrand states “The appellate case has far-reaching implications, paving the way for truth in politics.” The jury rejected the “anything goes” approach to political advertising.

Goosmann says “This case sends a message to candidates in political races across the country that the law does not allow limitless protection for false statements made with knowledge of falsity or reckless disregard for the truth.”

Jeana Goosmann and Emilee Boyle Gehling of Goosmann Law Firm represent Rick Bertrand in this case.