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Media Monograph Series

NAVIGATING REPUTATIONAL HARM:

A DEEP DIVE INTO REPAIRING, MEASURING,
METRICS, AND LEGAL IMPLICATIONS OF
REPUTATIONAL HARM IN THE INTERNET AGE

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I. Introduction

Reputation is generally built over a long period, yet it can be destroyed in an instant. Warren Buffett once famously observed: “It takes 20 years to build a reputation and five minutes to ruin it.”¹ The Oracle of Omaha is also quoted as saying the following:

*Lose money and I will forgive you. Lose even a shred of reputation, and I will be ruthless. Wealth can always be recreated, but reputation takes a lifetime to build and often only a moment to destroy.*²

Buffet’s message is simple: A person or organization’s reputation is its essential asset.

While a poor reputation is something everyone intuitively understands, some believe the value of reputation is inherently unmeasurable. In crisis communication and reputation management circles, however, it is well known that there are several ways to determine whether a person or organization has a negative online reputation, and particularly whether that reputation has been negatively impacted, either through self-inflicted acts or — perhaps more significantly — through the acts of another. It is possible to determine if and how far harmful material has spread in various communities, including on traditional media and social media platforms. From that data, it is then possible to determine what steps need to be taken, and at what cost, to restore reputation to what it was before the negative incident.

Determining reputational harm is a multifaceted assessment of various factors that may impact an individual’s standing in the eyes of the public. There is no one authoritative method for assessing harm. Rather, various methodologies are commonly employed by crisis and reputational professionals to evaluate reputational harm — including reviewing traditional and social media coverage and analyzing articles,

opinion pieces, social media posts, and other relevant content across various online platforms. It can also include the use of opinion research and other social science data. The significance of the methodology lies in its ability to capture the dynamics of modern communication and public discourse.

This white paper delves into this topic, exploring the evolving landscape of reputational harm, including defamation, in the age of online news and social media. It will also provide examples of the strategies and measurement metrics employed for the purpose of achieving effective reputational repair.

Our goal is twofold:

First, to provide a primer to help clients — including companies, organizations, high-profile individuals, and their legal and reputational counsel — in understanding the level of resources and effort that needs to be devoted to repairing reputation in the wake of negative public attention; and

Second, to assist lawyers, courts, and other interested parties in measuring and assessing reputational damage in defamation litigation or other legal processes.

This white paper is structured as follows: First, we define the unique reputational issues of this modern information age. Then, we look at ways to measure damage to reputation. Finally, we provide examples of the strategies and resources needed to undertake necessary long-term repair.

I. Defining the Problem

A World at Our Fingertips

The emergence of the internet and social media sparked a revolutionary transformation in how we connect, communicate, and consume information. It fundamentally reshaped the fabric of our global society. These new technologies transcend geographic boundaries, communities, and jurisdictions, enabling seamless interaction from all corners of the globe. Platforms like Twitter, Facebook,

¹ <https://www.inc.com/marcel-schwantes/20-years-ago-warren-buffett-shared-a-brutal-truth-that-most-people-have-yet-to-learn.html>

² See, e.g., <https://www.corporatecomplianceinsights.com/trust-integrity-value-companys-reputation/>.



Instagram, TikTok, and traditional media and blogs have become ubiquitous for sharing and disseminating information. News also travels with unprecedented speed, as individuals can engage in real-time conversations about current events, shaping public discourse and influencing societal trends.

Social media has also democratized the production and distribution of content. With an internet connection, individuals can become content creators, sharing their thoughts, ideas, and creative expressions with a worldwide audience. This empowerment has given rise to diverse voices and perspectives, challenging traditional gatekeepers of information and fostering a more inclusive and participatory social landscape.



In today's world, everyone is a publisher, everyone has an opinion, [and] this opinionated “news” can be transmitted globally with the touch of a button.



But all is not well. The proliferation of outlets for the dissemination of information can facilitate the spread of false and defamatory material, including by bad actors intent on damaging reputation, disrupting the exchange of ideas, and even eroding the foundations of civil societies. Thus, not unexpectedly, the rise of social media and other online platforms has also introduced new complexities in responding to negative reputational issues, including defamatory content. As individuals and organizations increasingly seek legal recourse against those

who publish false and defamatory statements, they are also grappling with how to measure and respond to reputational issues in the evolving digital era.

The change is not just in the content itself, but in how we access information. The advent of the internet and social media has vastly changed how we process, understand, and use information. With the power of search engines and the interconnectedness of the digital world, knowledge is no longer confined to the walls of libraries, local newspapers, or a courthouse docket. It is now accessible to anyone with an internet connection. This unprecedented availability of information has transformed how we learn; research; advocate for issues, ideas and legal principles; and connect in our community and worldwide.

With regard to defamatory content: Traditionally, in media such as newspapers, magazines, and television broadcasts, there was a generally accepted expectation that published statements would be factual and accurate. There was also (again, generally speaking) an adherence to the core principles of objectivity and journalistic ethics, and a presumption that the authors of content were not acting with actual malice.

Today, however, social media posts, blogs, comments, and online forums have assumed the role that media outlets once served — particularly among younger generations. Yet these new platforms are not media outlets in the traditional sense, but spaces for personal opinions, exaggerated and unverified claims, and — very often — outright falsehood. Moreover, if comments on social media come from a friend or trusted source, readers may be more likely to accept these statements as assertions of fact rather than subjective expressions.

In a race to keep up, many traditional media organizations have short-circuited prior safeguards designed to prevent the publication of false or wildly inaccurate information. Objectivity has also fallen victim to this new paradigm: Traditional media outlets, by and large, are now encouraged to “take a position” — sometimes quite angrily —

even in heretofore objective news stories. Opposing viewpoints are not just minimized, but *demonized* in a chase for clicks and advertising dollars from audiences with similar views.

Simply put: In today's world, everyone is a publisher, everyone has an opinion, this opinionated "news" can be transmitted globally with the touch of a button ... and (to exaggerate a bit), we all have actual malice toward each other — or, at least, toward anyone with an opposing or adversarial viewpoint. Thus, in the United States for example, the "actual malice" standard of *New York Times v. Sullivan*³ is increasingly a distinction without a difference. And the difference between fact and opinion, which has traditionally been critical to defamation cases, has also blurred.

Indeed, this brave new world has changed, and will further change, the framework and cost-benefit analysis surrounding modern defamation law. This will likely result in more defamation suits and greater damages, both in the United States and in other jurisdictions. One can expect the underlying law of defamation to similarly change, as old standards become increasingly irrelevant and new rules are adopted to ensure global consistency and some adherence to truth in the public sphere.

There are two other factors to consider that may give rise to an increasing number of defamation claims and damage awards. The emergence of communications vehicles such as email, texts, and direct messaging — along with Slack, Microsoft Teams, and other collaboration software so popular in media workplaces — has made proving "actual malice" all the more easy. Offhand comments on these platforms are immediate, often reckless, and preserved forever. Lawyers call this *evidence*, and frequently it is exactly the type of extrinsic evidence that proves a case in court. In the "old days," spoken conversations that might have proven actual malice were

gone forever — and therefore the accusation was far harder to prove.

In addition, for major media outlets in prior eras, it had been standard practice to fact-check and confirm the information *before* publishing, while also offering the subject of an article the opportunity to respond. This was often a critical defense in defamation cases, where a publisher could point to its rigorous processes as proof that it was blameless if false information was accidentally published or broadcast to the world. Yet these principles, too, have increasingly disappeared in the rush to post first, as even major, "legitimate" media outlets race to beat competitors to breaking news and social media content. The authors have noted that major media outlets now frequently take the position that they can publish fast and publish first, and if they learn some or all of the information published is false or inaccurate, they can revise the article later to reflect the actual truth (or, if they receive a response from the subject of an article once it has appeared, update the online copy to include that information). In the publisher's view, no harm, no foul.

Here is the problem with that approach. In this new age of the internet and social media republication of posted content, that first version of a story is the one that is circulated widely and across the globe through aggregators (including Google and other platforms that cull stories from original publishers) and social media. It doesn't matter if the story is subsequently updated — the first version is the one that spreads worldwide, with any falsehoods and other inaccurate information intact. The updated or revised stories may appear on the original media outlet's website or social media, but it is the older, false version that most of the world sees (particularly as more people receive their information via headlines on social media without bothering to read the underlying stories). Thus, from the standpoint of reputation, the damage is already done. The implication for defamation damage awards is obvious (an excellent example of this phenomenon is detailed in the case history that follows this white paper).

³ 376 U.S. 254 (1964). Under *New York Times v. Sullivan*, actual malice is not necessarily acting with ill will, but rather "making a statement 'with knowledge that it was false or with reckless disregard of whether it was false or not.'" 276 U.S. 380.

From Microfiche to Megabytes

When considering these issues from a measurement and reputation repair standpoint, it is important to understand how much the world has changed in recent decades. Before specialized databases and search engines such as Google, if people wanted to research a person, company, or issue, they usually would have to visit a library or other institution that kept hard copies, microfiche, or microfilm of old newspapers and periodicals. Abstracts of articles and other material could be found only through publications like the *Index of Periodical Literature*, sorted by name, topic, or subject matter. With a list of relevant articles and sources — a handwritten list, of course — researchers would then begin the laborious process of scanning documents recorded on film to find the right story, on the right subject, on the right date. Much great investigative journalism and historical research has been done just that way over the years, but the work required tedious effort.

The painstaking process of searching through physical archives contrasts starkly with the ease and accessibility of information today. With a few simple keystrokes, we can now access a vast repository of knowledge spanning diverse fields and disciplines — material that was once largely inaccessible to most of the world. Undoubtedly, the advent of search engines like Google, Bing, and Yahoo! transformed the landscape of information access, providing users with a seemingly limitless sea of information instantaneously. With the ability to enter a few key search terms, we can now uncover hidden gems of knowledge or information on people in our community.

Yet, as misinformation spreads unchecked across digital platforms, it can inadvertently become source material for subsequent communication — and even the source material for what had been traditionally considered legitimate journalism. Reporters, often reliant on online sources for research and information, may unknowingly incorporate false narratives into their reporting, perpetuating inaccuracies and

eroding the credibility of the news. This underscores the urgency of addressing and rectifying incorrect information promptly. Allowing such inaccuracies to fester not only distorts the public discourse but also risks tarnishing the reputation of responsible journalism. A concerted effort to combat misinformation at its roots is essential to safeguard the accuracy and reliability of the news ecosystem for generations to come.

Navigating the AI Era: Understanding the Impact on Online Reputation Management

Now let's add Artificial intelligence (AI) in the mix. Integrating AI into search engines has ushered in a new era of influence on online reputation. As we witness the dominance of AI results in search queries, it becomes evident that managing digital reputation is more complex and dynamic than ever before. AI search engines, like ChatGPT or Google's Gemini (formerly Bard), can significantly influence an individual's online reputation. As Google integrates AI into its search engine experience, we expect AI results to dominate many search queries. Search engine algorithms, driven by AI, further contribute to the visibility of negative content through optimization strategies, amplifying reputational risks.

At its essence, the issues with AI can be summed up as follows: Like all of us, Artificial Intelligence learns from what it finds online. If, therefore, information on the internet about a corporation, organization, or individual is false, misleading, or biased, AI learns this and perpetuates it. The cycle continues.

An example: For one high-profile individual with whom the authors have worked, search results on Google to the question "Who is...?" produced results dominated by stories of the client being misidentified as having made a racist remark (the case itself is described in the accompanying case history). Using modern search engine optimization (SEO) techniques, work was done to improve Google search results. Yet even after results had improved, the individual had to deal with the long-lasting impact of the defamatory content, which had been seen and processed

by various large language models (LLMs) — the massive data sets drawn from the internet that allow AI programs to learn. In other words, just like anyone else forming biased perceptions through inaccurate information they are exposed to on the internet or in social media, AI models had become biased by the older misinformation.



Like all of us, Artificial Intelligence learns from what it finds online. If, therefore, information on the internet about a corporation, organization, or individual is false, misleading, or biased, AI learns this and perpetuates it.



Thus, while AI technologies can generate content — including articles, reviews, and comments — with unprecedented speed, malicious actors can exploit this capability to create fake reviews, misleading information, or even deepfake content that tarnishes an individual's reputation. Search engines use AI algorithms to determine the relevance and ranking of search results. Negative content, whether true or false, can be pushed up in search results through SEO strategies, making it more visible and damaging to one's reputation. The resources needed to combat negative reputational results in this age of AI models thus become even greater.

The permanence and ubiquity of online information further complicate the issues surrounding reputational repair. Unlike traditional forms of media, where negative content can fade over time, online archives offer a lasting repository of information. Even if defamatory content is removed from one platform, it resurfaces on another, then is scooped up by the LLMs that teach AI...and so on, and so on, and so on. All of this serves to cast a long shadow over an individual or organizational reputation. Costs of repair of that reputation rise. And in the area of defamation law, damages rise as well.

III. Measurement

In light of these vast changes, valuing reputational damage requires a comprehensive approach encompassing various data sources and analytical tools. While commercial services can provide in-depth insights, several free tools, such as Google Trends, offer valuable starting points for assessing public perception and interest. Following are some of the most comprehensive tools available for such measurement.

Tools

[Google Trends](#), a freely accessible online tool, provides valuable insights into relative search volume over time. By tracking search queries related to a person's or company's name, one can understand the public interest and identify potential areas of concern. Spikes in search volume may indicate heightened awareness or negative media coverage, prompting further investigation.

Beyond Google Trends, many free and paid tools can aid reputation analysis. Social media monitoring platforms, such as [Critical Mention](#), enable comprehensive tracking of online media mentions, providing valuable insights into brand perception and reputation. These platforms aggregate and analyze real-time data from various mainstream and social media sources, including Twitter, Facebook, and Instagram. [Five Blocks IMPACT](#) can track individuals, brands, and issues (keywords) over time, compared to peers and across geographies and languages. This provides

real-time monitoring and actionable insights critical to understanding and influencing digital reputation.

Combining data from these sources provides a more comprehensive picture of a person's or company's reputation. By correlating trends in search volume with online conversations and media coverage, one can identify patterns and potential reputational issues. While free tools offer valuable insights, commercial services can provide more in-depth analysis and tailored solutions. These services often use advanced algorithms and machine learning to extract deeper meaning from sentiment analysis, identify influential voices, and assess overall brand health.

AI tools are also employed in online reputation management to track and respond to negative content. Automated systems can identify, analyze, and report instances of reputational harm, enabling faster response times. Some commonly used AI tools in Online Reputation Management include [Brandwatch](#), [Hootsuite](#), and [Talkwalker](#). These tools use AI to monitor social media platforms for mentions of a brand, product, or individual. They analyze the sentiment, context, and trends associated with these mentions. Some companies use sentiment analysis tools such as [MonkeyLearn](#), [Lexalytics](#), or [Brand24](#). Sentiment analysis tools use natural language processing algorithms to determine the sentiment of online content (positive, negative, or neutral), including social media posts, reviews, and articles.

Other reputation management platforms using AI include [BrandYourself](#), [Reputation.com](#), and [Yext](#). These platforms often integrate AI to automate the monitoring of online mentions and sentiments. They provide comprehensive dashboards for tracking and managing online reputation. There are also keyword and brand monitoring tools like [Google Alerts](#) and [Mention](#). These tools use AI algorithms to monitor specific keywords, brand names, or phrases across the internet. Automated alerts notify users of relevant mentions, allowing for timely response.

Assessing Reputational Impact: Audience and Publicity Values

Quantifying the negative impact of defamatory statements is a nuanced endeavor, as some repercussions are measurable while others elude precise assessment. The dissemination of damaging assertions carries the potential for both immediate and enduring consequences, exerting a transformative influence on the brand of a company or individual.



Reputational repair professionals use audience and publicity values to provide a comprehensive understanding of the spread of a story and its potential impact on an individual's or organization's reputation.



In reputation management, quantifying the impact of media coverage and assessing the extent of reputational harm is crucial for informing strategic decision-making and evaluating the effectiveness of repair efforts. Reputational repair professionals use audience and publicity values to provide a comprehensive understanding of the spread of a story and its potential impact on an individual's or organization's reputation. The audience value represents the estimated number of individuals who have potentially encountered a media mention related to a

particular topic or entity. This metric provides insights into the overall reach of coverage and the potential size of the audience exposed to the information.

Audience value can be calculated through various methods, including comprehensive media monitoring tools and industry-standard data providers. Incorporating data from industry-leading media data providers enhances the accuracy of audience estimates. These providers offer granular insights into audience demographics, media consumption patterns, and engagement levels.

Put all of this information together, and you can arrive at a **publicity value** for the content that has appeared in both traditional media sources and on social media across the globe. The publicity value determined from these monitoring sources represents the hypothetical cost of purchasing equivalent advertising space or time to reach the same audience the organic media coverage has reached. This metric provides a financial benchmark for the value of media mentions and helps quantify the potential reputational impact. Calculating publicity values involves several factors, including the value of media coverage, which varies depending on the type of media channel, with traditional media outlets, such as television and print, typically commanding higher publicity values than social media mentions.

The specific program or platform where the mention appears within each media type can influence the publicity value. For instance, a mention in a prime-time television show will generally carry a higher publicity value than a less popular program. The audience's demographics exposed to the mention also play a role in determining the publicity value. Audiences with higher socioeconomic profiles or those considered more desirable for advertising tend to command higher publicity values.

Combining audience and publicity values is one of several accepted methods to obtain a comprehensive picture of the potential reputational impact of media coverage. By understanding the reach of coverage

(audience value) and the equivalent advertising cost (publicity value), reputational repair professionals can effectively assess the severity of reputational harm and prioritize their strategies accordingly.

Specific Media:⁴

Television: For most TV mentions, Nielsen provides an audience estimate based on the number of people typically tuned in during the time of day the program airs. Nielsen provides audience estimates for four types of TV programs: Network, Syndicated, Cable, and Local. Publicity estimates for national and local TV mentions incorporate the Nielsen Score and the cost per point (CPP) provided by a company like [SOAD](#), a source for industry-leading media cost research and analysis. CPP is a metric that describes the price to buy one rating point (1% of the population) for that timeslot in that geographic area. It is calculated as Media Cost divided by Gross Rating Points. To calculate publicity, most services that provide the data multiply the Nielsen Score by CPP — the percentage of the total audience that watched *multiplied by* the cost to advertise for that local or national program type.

Radio: Nielsen provides radio audience values. Nielsen breaks down the audience numbers by “daypart,” or time frames during the day. The dayparts are Monday-Friday, 12 am-6 am, 6 am-10 am, 10 am-3 pm, 3 pm-7 pm, 7 pm-12 pm; Saturday-Sunday 6 am-12 pm. Commercial services used by reputation repair professionals use these daypart audience numbers to estimate the *hour-by-hour* audience numbers per day. For radio publicity, Nielsen provides hourly ad spend data per station. CM uses that data to calculate per market cost-per-thousand (CPM) and applies that CPM to the audience value to get an estimated publicity value.

Online + Print: [Moreover](#) (owned by [LexisNexis](#)), an online news aggregation and business intelligence service, provides audience and publicity values for some online news content in several commercially available

⁴ Some of the descriptions in this section are pulled from the promotional material of the various services mentioned therein.

media monitoring services. The audience value for the online media type is the unique monthly visitors to the entire source domain. This number is generally obtained from LexisNexis. The audience value for the print media type is a circulation value that factors in the frequency of publication for that outlet (daily, weekly, monthly, etc.).

The assessment of publicity value for online media types relies on a multifaceted evaluation, taking into account the significance of the website, the estimated monthly visitor count, and the length of the associated article. When an article lacks a designated publicity number but includes an audience value, various commercial monitoring services employ a calculation method incorporating a \$9.25 CPM (Cost Per Mille) to estimate the publicity value of that particular mention. It's noteworthy that certain online news mentions may not feature either an audience or publicity value, as this information is not provided by LexisNexis' Moreover service. This underscores the complexity and variability in the metrics available for different online media, emphasizing the importance of considering multiple factors when gauging the impact and reach of digital content.

Podcast: Podcast values are often obtained from [Podchaser](#), a leading database and analytics provider for podcasts. Leveraging its extensive repository of podcast information, Podchaser not only offers a comprehensive database but employs advanced analytics tools to assess and assign values to podcasts. Its commitment to providing accurate and insightful data ensures that users can rely on a robust framework for evaluating the worth and impact of various podcasts within the dynamic and rapidly evolving podcasting landscape. As an authoritative source in the field, Podchaser plays a pivotal role in shaping the understanding and appreciation of podcast content across diverse audiences and industries.

The audience value for podcasts is based on the number of unique listeners for that show. The publicity value for podcasts is the

audience value for that show multiplied by an \$18 CPM for that program.

Social Media: The determination of Social Media Audience values hinges on a straightforward metric — the count of followers associated with a particular page, account, or channel. This quantifiable measure serves as a foundational element for gauging the reach and potential impact of content within the realm of social media.

In parallel, publicity values from social media monitoring services undergo a more nuanced calculation process. This involves a fundamental formula considering the average cost of advertising on the specific social media platform. This average cost is then multiplied by the total number of followers for the respective page, account, or channel. This holistic approach to calculating publicity values considers not only the audience size but also factors in the economic dynamics of the social media platform, providing a more comprehensive understanding of the promotional worth and visibility associated with a particular social media entity. An accepted methodology is:

YouTube

Audience = # of followers for that channel
Publicity = \$25 per 1,000 followers

Twitter

Audience = # of followers for that account
Publicity = N/A

Instagram

Audience = # of followers for that account
Publicity = \$5 per 1,000 followers

Facebook

Audience = # of followers for that page
Publicity = N/A

Audience and Publicity Value Calculations

Audience and publicity value calculations from commercial services stand as indispensable instruments in the toolkit of reputational repair professionals, offering a sophisticated means to quantify and comprehend the influence of media coverage. These metrics go beyond mere numerical representations; they serve as critical analytical tools, providing

valuable insights into the dynamics of reputation management.

For reputational repair experts, these values can play a pivotal role in assessing the efficacy of repair campaigns that they may propose. Professionals understand media coverage's reach and engagement levels by delving into audience values. This information is instrumental in deciphering the extent of public exposure and perception surrounding a particular individual, brand, or entity.

Simultaneously, publicity values offer a deeper layer of analysis. Professionals can gauge the tangible impact of reputational repair campaigns by factoring in the economic dimensions of media platforms and their advertising costs. This nuanced approach empowers them to make data-driven decisions, optimizing strategies to protect and restore reputations effectively.

In essence, these metrics transcend mere numerical benchmarks; they empower reputational repair professionals with actionable intelligence, fostering a strategic and informed approach to navigate the intricacies of media dynamics and safeguard the integrity of their clients.

The ramifications of negative content — content that is defamation — extend far beyond immediate fallout. Rather, such content can leave an indelible mark on public perception. This perceptual shift occurs within the broader public sphere and is particularly pronounced among specific groups predisposed to receiving and internalizing such claims. The damage inflicted on reputation is particularly pronounced when false statements tarnish an image carefully cultivated over years or even decades. This enduring reputational harm holds significant implications, as it compromises a company's or individual's ability to leverage their brand effectively in the future. The loss of partial control over a meticulously developed brand disrupts the narrative carefully constructed through years of dedicated effort. Consequently, the fallout from defamatory statements lingers as a lasting impediment,

impacting business opportunities, partnerships, and public trust.



Enduring reputational harm holds significant implications, as it compromises a company's or individual's ability to leverage their brand effectively in the future.



In essence, the far-reaching consequences of defamatory content underscore the need for strategic and comprehensive reputation management to mitigate the long-term effects on brand equity and restore control over the narrative surrounding a company or individual.

The Grapevine Effect

An additional element of reputational harm is the “grapevine effect,” i.e., communication that goes on within informal networks of people, groups, and communities. It is a pervasive (and persuasive!) phenomenon that plays a significant role in positively and negatively shaping reputations. In reputation management, the grapevine effect can substantially impact an individual's or organization's standing. Positive word-of-mouth through the grapevine can enhance reputations, while negative rumors or gossip can cause irreparable damage.

As a channel for information, the grapevine is highly susceptible to the rapid dissemination



of misinformation and rumors, posing a potential threat to the reputations of organizations and individuals if not promptly addressed. Given entities' limited control over the information circulating through the grapevine, containing and rectifying the ensuing damage becomes a formidable challenge once negative information permeates the grapevine. This underscores the critical importance of implementing proactive measures to address and swiftly counteract the dissemination of inaccurate information.



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The inherent challenge in navigating the grapevine lies in entities' limited control over the information circulating within it. Recognizing this limitation, adopting proactive strategies that swiftly address negative information and foster positive narratives within informal networks becomes imperative. Engaging in open communication, building trust, and actively participating in conversations can contribute to shaping a more favorable perception within the grapevine. Effectively managing reputational harm requires a strategic and proactive approach that acknowledges the unique dynamics of the grapevine, ensuring a more resilient and positive standing in the eyes of personal networks and informal communication channels.

Integrating Paid Advertising into a Comprehensive Reputation Management Plan

Combining online reputational harm often necessitates employing paid advertising strategies alongside organic tactics to address and counteract negative narratives effectively. While organic methods play a crucial role in reputation management, paid advertising can boost visibility and reach, ensuring that accurate and positive information about the affected individual or organization is prominently displayed to a wider audience. Paid advertising offers several advantages in the context of online reputation management:

- **Targeted Reach:** Paid advertising platforms like Google Ads and social media advertising allow precise targeting based on demographics, interests, and online behavior. This targeted approach ensures that reputation-restoring messages reach the individuals most likely to be influenced by them.
- **Rapid Visibility:** Paid advertising campaigns enable individuals or organizations to counteract negative narratives and establish a positive presence in search results and social media feeds.
- **Control over Messaging:** Paid advertising provides complete control over the messaging and positioning of reputation-restoring content. Organizations can tailor their messages to specific audiences and address any misconceptions or concerns effectively.
- **Measurable Results:** Paid advertising campaigns offer comprehensive analytics, empowering organizations to meticulously monitor the effectiveness of their campaigns. This allows them to evaluate the impact on brand perception and refine strategies, ensuring optimal results through continuous improvement.

Paid advertising should be integrated seamlessly into a broader reputation management strategy that encompasses organic tactics and proactive measures to



prevent reputational issues from arising in the first place.

- **Identifying Target Audiences:** Clearly define the target audiences for paid advertising campaigns based on the demographics, interests, and online behavior of those most likely to be affected by negative narratives.
- **Crafting Compelling Ad Copy:** Develop persuasive and informative ad copy that addresses the specific concerns or misconceptions surrounding the reputational issue.
- **Selecting Appropriate Ad Platforms:** Choose relevant advertising platforms based on the target audiences and the desired ad formats, such as search engine results pages (SERPs), social media feeds, or display networks.
- **Monitoring and Optimizing Campaigns:** Continuously monitor the performance of paid advertising campaigns, analyzing metrics such as click-through rates (CTRs), impressions, and engagement levels to optimize ad copy, landing pages, and targeting strategies.
- **Aligning Paid Advertising with Organic Efforts:** Ensure that paid advertising campaigns align with and reinforce the messaging and content being disseminated through organic channels to create a cohesive and consistent narrative.

By strategically integrating paid advertising into a comprehensive reputation management plan, organizations can effectively counteract online reputational harm, restore brand credibility, and protect their reputation in the digital age. When used judiciously and in conjunction with organic tactics, paid advertising can be a powerful tool for safeguarding the online reputation of individuals and organizations.

Search Engine Optimization & Content Suppression

For online reputation repair, one important facet involves search engine optimization

(SEO), sometimes called content suppression, a method to mitigate the impact of negative or misleading information by strategically managing search engine results. This involves a multifaceted approach, and a crucial initial step is identifying keyword groups pertinent to the individual's online presence.

Content suppression, as a facet of SEO, entails the proactive creation and continuous updating of positive content to displace or mitigate the prominence of undesired Google search results. Suppression involves moving reputationally damaging content further down in search engine results.



By providing the digital landscape with positive and correct information, the goal is to relegate misleading or harmful content to lower positions in search results, making it less likely for users to encounter such material.



Understanding the significance of content suppression as part of SEO requires recognizing the omnipresent role of search engines in shaping digital perceptions. As noted above, internet users routinely turn to search engines to gather information, and the content appearing prominently in search results significantly influences an individual's perception. Therefore, the strategic selection

and management of keywords associated with one's online presence become pivotal in steering the narrative toward accuracy and positivity.

Beyond merely identifying keywords, effective content suppression involves a comprehensive SEO strategy to push down or diminish the visibility of undesirable content in search results. This may include creating and promoting positive, accurate, and authoritative content across various online platforms and strategically optimizing it to rank higher in search engine results. By providing the digital landscape with positive and correct information, the goal is to relegate misleading or harmful content to lower positions in search results, making it less likely for users to encounter such material.

Content suppression within online reputation repair is a proactive and strategic endeavor. It involves identifying relevant keywords and orchestrating a comprehensive plan to influence search engine algorithms, guiding the narrative toward accuracy and positivity. This method empowers companies and individuals to take control of their online reputation, ensuring that search results align with their true professional identity and values.

Other Methodologies for Assessing Reputational Harm

Determining the extent of reputational harm is complex, and different public relations practitioners employ various methodologies. Indeed, related methodologies have garnered attention within the academic community, particularly in prominent legal cases such as *Carroll v. Trump*⁵ in the United States District Court for the Southern District of New York. This case brought to light the testimony of Professor Ashlee Humphreys of Northwestern University, who offered extremely valuable insights. Her analysis was accepted by the court, underscoring the credibility and

relevance of academic methodologies in assessing reputational harm.

In *Carroll v. Trump*, Dr. Humphreys explains the intricacies of reputation and reputational damage. Her insightful explanation resonates with clarity and depth, providing invaluable insights into these critical concepts. Specifically, she writes:

*Reputation is inherently a social concept; one's reputation is determined by the social esteem held among a bounded group of people, up to and including the public sphere at large. It holds intrinsic value, bestowing social standing and respect. Viewed as both a form of property with economic worth and a repository of moral value linked to dignity, reputation encapsulates the multifaceted nature of its significance in societal dynamics. Reputation is determined in the sphere of generalized public opinion, which encompasses individual beliefs but is more than the sum of them — a "generalized perception." What people think their friends, family, coworkers, and other members of their community think is an important determinant of an individual's belief, particularly if one does not have strong opinions about an issue or person. Over time, the beliefs of a subset of society, including what is represented in the media, can shift public opinion and generalized associations as people take cues from those around them who believe differently"*⁶

In her report, Dr. Humphreys also explains the balance theory of attitudes. This theory states that when people do not have a belief about a person, it is relatively easy to create one, particularly when it is congruent with their other beliefs.⁷ However, once people have a belief, it is harder to change it and requires

⁵ U.S. District Court, Southern District of New York (No. 22-CV-10016). Expert Report of Professor Ashlee Humphreys, Ph.D., January 9, 2023, found at: <https://storage.courtlistener.com/recap/gov.uscourts.nysd.590045/gov.uscourts.nysd.590045.74.3.pdf>

⁶ Citations from the original expert report are omitted.

⁷ Z. Kunda (1990), "The Case for Motivated Reasoning," *Psychological Bulletin*, 108(3):480-98.; Housholder and LaMarre (2014), "Facebook Politics: Toward a Process Model for Achieving Political Source Credibility through Social Media," *Journal of Information Technology & Politics*, 11:368-382; L. Festinger (1962), "Cognitive Dissonance," *Scientific American*, 207(4): 93-106; Kahneman and Tversky (1974), "Judgment under Uncertainty: Heuristics and Biases," Vol. 185, No. 4157, pp. 1124-1131. *Science*, New Series, Vol. 185, No. 4157. (Sep. 27, 1974), pp. 1124-1131

multiple exposures, often from several different, trusted sources.⁸

IV. Reputational Repair Strategies

Beyond Spray-and-Pray: Targeting Online Reputation Repair

A “spray-and-pray” approach to combating negative publicity can be described as follows: Just get *something* out there ... anything ... to flood the zone with alternative narrative information in the hopes that it crowds out the reputational damage caused by the negative or defamatory content.

While the reactive spray-and-pray approach may have some impact, a more effective strategy involves a **targeted and strategic repair campaign**. A strategic repair campaign involves identifying specific platforms, websites, or search results with prominent negative material. This focused approach allows for a concentrated effort directly targeted to those outlets (or to offset the impact of those outlets) to mitigate the effects of harmful content where it matters most. Instead of creating content indiscriminately, a targeted approach involves precise response optimization, using specific keywords and search phrases associated with negative links. This ensures that the new content is more likely to compete effectively in search engine rankings and displace negative results.

Strategic repair campaigns prioritize creating high-quality, relevant, and authoritative content. Content that addresses concerns, provides valuable information, or showcases positive aspects of an individual or brand is more likely to resonate with users and gain traction in search results. A targeted strategy to reinforce a positive online presence involves leveraging existing positive assets, such as official websites, social media profiles, and reputable platforms. Strengthening these assets helps build credibility and counter negative content’s impact.

⁸ John Cacioppo and Richard Petty (1979), “Effects of Message Repetition and Position on Cognitive Response, Recall, and Persuasion,” *Journal of Personality and Social Psychology*, 37, 97-109.; Housholder and LaMarre (2014); Robert Frank Weiss (1969), “Repetition of Persuasion,” *Psychological Reports*, 25 (2), 669-70.



Strategic repair campaigns prioritize creating high-quality, relevant, and authoritative content [...] that addresses concerns, provides valuable information, or showcases positive aspects of an individual or brand.



To be effective, strategic repair campaigns must include continuous monitoring of search results and user sentiment. This allows for iterative adjustments to the strategy based on evolving circumstances, ensuring that efforts remain aligned with current online reputation needs. A focused strategy generates social proof and positive signals, contributing to a favorable online reputation. This may include testimonials or endorsements, encouraging satisfied customers to leave positive reviews on relevant sites, and other third-party content that reinforces the positive narrative.

Engaging professional reputation management services specializing in targeted repair campaigns can provide expertise in navigating the complexities of online reputation management. These services often employ SEO tactics, content creation, and strategic planning to counteract negative content effectively.



In cases of false or defamatory content, a targeted strategy may involve exploring legal avenues to address the source of the negative material. When appropriate and feasible, legal actions can contribute to removing or correcting damaging content.



While traditional techniques, such as issuing press releases or engaging in social media campaigns, can play a role, they may not be sufficient to address the complexities of online misinformation.



A strategic repair campaign surpasses the spray-and-pray approach by virtue of its targeted focus, precision in optimization, emphasis on content quality, and holistic approach to addressing root issues. It recognizes the importance of a nuanced and sustained effort to cultivate a positive online image and is more likely to yield lasting results in online reputation management. This approach offers several key advantages, including:

- **Increased Efficiency:** The repair process becomes more efficient and cost-effective by focusing resources on clearly identified targets; and
- **Improved Precision:** Tailoring content to address specific negative narratives directly addresses the source and content

of reputational damage, leading to more precise and positive outcomes, including suppression of negative articles.

By strategically addressing negative content at its source, the likelihood of long-term reputational improvement increases significantly, minimizing the need for future interventions.

Mitigating the Consequences of Online Reputational Harm

The reputational recovery process often demands extensive effort and may continue for a considerable time. Throughout a reputation repair program, which can span several years, one can witness a significant transformation in one's online reputation.

Effectively mitigating the consequences of online reputational harm requires a multifaceted approach beyond conventional crisis response methods. While traditional techniques, such as issuing press releases or engaging in social media campaigns, can play a role, they may not be sufficient to address the complexities of online misinformation.

A comprehensive approach must encompass a range of organic tactics and strategies, including:

- **Identifying Misinformation Sources:** Pinpointing the origin of misinformation is crucial for effectively countering it. This may involve analyzing online forums, social media posts, and news articles to identify the primary sources of false narratives.
- **Rebutting Falsehoods:** Once misinformation sources are identified, providing accurate and verifiable information to contradict false claims is essential. Achieving this goal is possible through various means, including crafting blog posts and articles, active participation on social media, or direct communication with those impacted by misinformation.
- **Enhancing Search Engine Optimization (SEO):** Optimizing online content for improved visibility in search engine results can elevate positive and accurate



information to higher positions in search rankings, enhancing its prominence and reach. This increases the likelihood that individuals will come across truthful content.

- **Promoting Positive Content:** Encouraging positive reviews, testimonials, and endorsements can help balance negative online content and create a more favorable online presence.
- **Monitoring Online Conversations:** Continuously monitoring online conversations and social media platforms is essential for identifying potential reputational threats and addressing them promptly.
- **Negotiated removals:** Negotiated removals with website administrators offer the highest chance of success when mistakes are involved. Appealing to their emotions and providing proof of a mistake can often be successful. Successfully negotiated removals hinge on the essential elements of persistence, respect, and non-threatening communication.
- **Legal actions and court-assisted removals:** Depending upon the jurisdiction, websites and hosting companies may be legally obligated to remove content. At times this is required after a court determines that the content is false, defamatory, or otherwise causes harm to the concerned party.⁹ In addition, international standards such as those outlined in the European Union can require removal. Such removal requires legal action — or, at the very least, the threat of legal action — but can be effective, even with difficult website administrators who boast of strict no-removal policies. Often, a combined legal and public relations effort can be undertaken to, in essence, remove what is removable through legal avenues and

⁹ The law in this regard is highly unsettled, particularly in the United States, where traditional concepts of defamation enshrined in common law often come up against such statutes as [Section 230 of the U.S. Communications Decency Act](#) of 1996, among others.

repair what is repairable through reputational mitigation and rehabilitation.

Example of Media Analytics and Response Strategy

The following example illustrates the way in which tools to measure reputational impact can be used to gauge the extent of damaging information across various media platforms.

An analysis by Eric Rose, a co-author of this white paper, on behalf of a client revealed the presence of harmful material across numerous online platforms, including social media sites.

Figure 1 on the following page provides evidence to support both legal claims related to disseminating the reputationally damaging material and the resources that should be allocated to ensure reputational repair.

By identifying key dissemination channels and user behavior patterns, the findings enabled the development of targeted strategies and a media buying plan to mitigate the further spread of the material.

The recommended reputation repair campaign above involved a comprehensive strategy to address negative online content and elevate positive narratives. This multifaceted research-based approach included:

- **SEO/Content Suppression:** Implementing advanced strategies to push negative content down search engine results pages (SERPs), making it less visible to users. Employing cutting-edge techniques to identify and de-index negative links from authoritative websites.
- **Content Creation and Publishing:** Developing high-quality content that directly addresses negative narratives and provides a balanced perspective. Publishing content on high-authority websites to amplify positive messaging and reach a wider audience.
- **Targeted and Strategic Advertising:** Using targeted online advertising campaigns to reach specific demographics and interests effectively. Employing precise

keyword targeting and creative ad formats to maximize visibility and engagement.

This comprehensive approach ensured a holistic and sustainable strategy for online

Mention Analytics

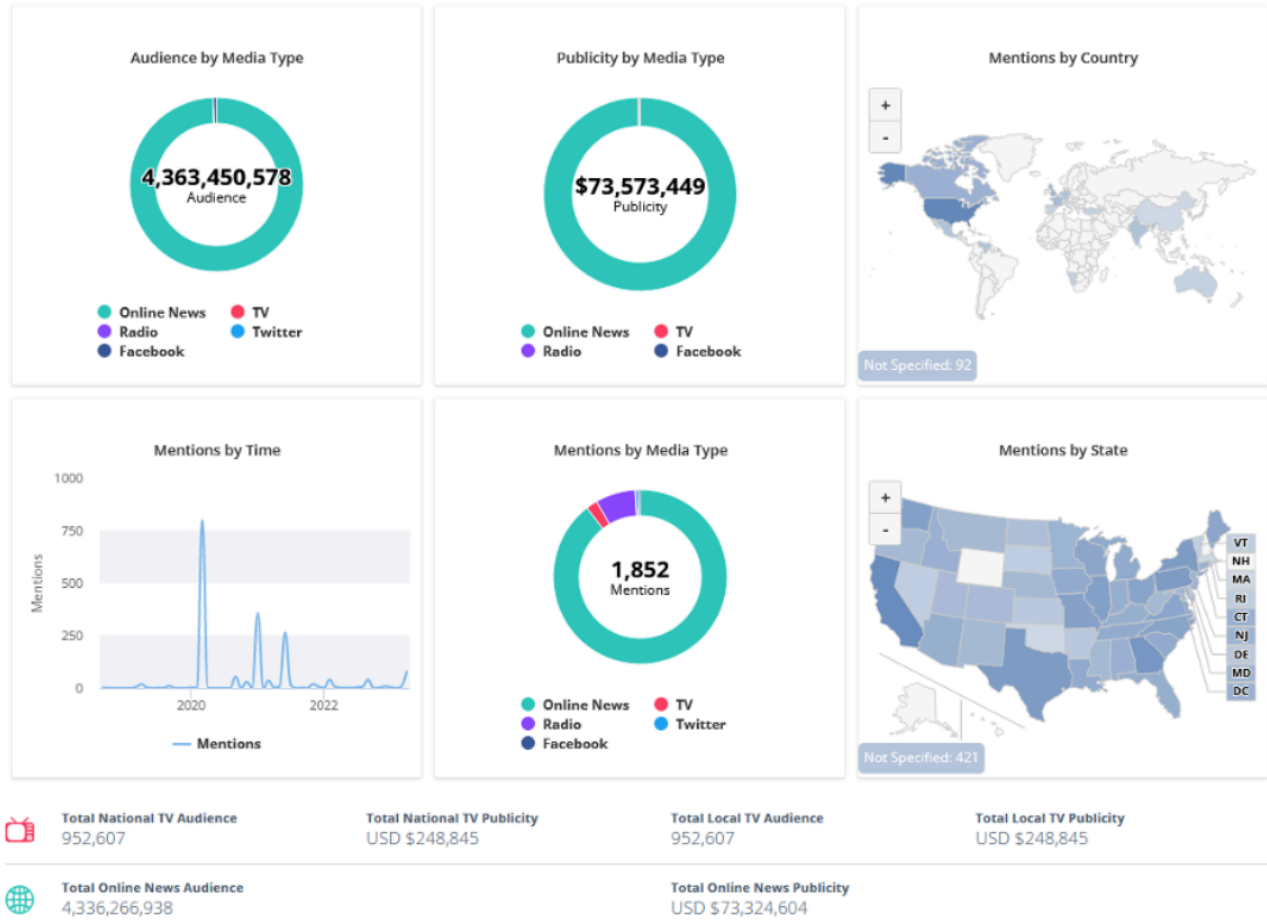


Figure 1

- Building and Optimizing New Positive Digital Assets:** Creating and optimizing new websites, social media profiles, and other online properties showcasing the subject’s positive aspects. Maintaining consistent branding and messaging across all digital assets to build trust and credibility.
- Building Links and Social Media Shares:** Implementing effective link-building strategies to increase the authority and ranking of positive content in search results. Engaging with online communities and actively promoting positive content on social media platforms to drive organic reach and positive sentiment.

reputation repair. By addressing negative content directly, amplifying positive narratives, and building a strong online presence, the campaign was designed to achieve a positive and reputable online image.

What Are the Costs?

It is crucial to note that the specific elements included in a reputational repair campaign and the corresponding costs will depend on the unique circumstances of each situation. Organizations should carefully assess their needs, consider the potential impact of each element, and tailor their approach accordingly. Additionally, ongoing monitoring and adaptability are essential to refine strategies



based on the evolving dynamics of online reputation management. Navigating the complexities of a reputational repair program tailored to address the identified damage may entail various costs. It is essential to recognize that not every campaign will involve all elements listed below, and the extent of costs can vary based on the severity of the reputation issues and the chosen strategies.

Some potential costs associated with executing a reputational repair program, taken from an actual case, are shown in **Figure 2** (in 2024 U.S. dollars).

Task	Estimated Cost
Strategic research for messages (one-time cost)	\$15,000
Website creation, including registration and hosting (24 months)	\$5,000
PR firm (24 months)	\$480,000
Newspaper ads	\$1,500,000
Digital ads (24 months)	\$1,500,000
Social media ads (24 months)	\$500,000
Creation of social media profiles and initial population (one-time cost)	\$15,000
Total Campaign Cost	\$4,015,000

Figure 2

V. The Road to Reputation Restoration: A Journey of Perseverance

Navigating the complexities of online reputation repair requires patience, persistence, and a commitment to truth. The process can be lengthy and demanding, often spanning several years. However, with a well-structured plan and unwavering dedication, individuals and organizations can restore their reputations and regain control over their online narratives.

By adopting a comprehensive and strategic approach that addresses the root causes of online reputational harm, individuals and organizations can effectively mitigate the damage caused by misinformation and safeguard their reputations in the ever-evolving digital landscape.

At its core, reputation is a profound social construct intricately woven into the fabric of

our collective perception. It threads across the spectrum of social connections, incorporating close-knit circles and extending its reach to the vast public sphere. This intricate web of social regard shapes and defines our standing, creating a narrative that resonates within the confines of personal relationships and the broader context of society.



Reputation is a profound social construct intricately woven into the fabric of our collective perception.



The Challenges of Defamation for Juries: A Lack of Understanding

While jurors bring diverse life experiences to the courtroom, few possess the specific knowledge and background to grasp the complexities of defamation cases fully. They understand the basic premise: One party allegedly communicated something false and harmful about another. However, understanding the cost of repairing the damage caused by defamation requires specialized expertise beyond their everyday knowledge. Here are some key areas where jurors may lack understanding:

- **The Principles of Negative Communications:** Juries might not fully grasp the subtle ways negative information can be communicated, from direct statements to implied meanings and subtle cues. Additionally, they may not be familiar with the legal distinction between defamation and protected speech.



- **The Multifaceted Spread of Information:** The digital age has created new avenues for information dissemination, with varying degrees of reach and permanence. Juries may not fully understand the channels through which negative communication can spread online and offline. Understanding the speed and potential for the viral spread of such information is crucial for assessing its impact.
- **The Dynamic Nature of Information:** Information shared through word-of-mouth and online platforms is susceptible to distortion, embellishment, and misinterpretation over time. Juries may not be fully aware of how such changes can further exacerbate the harm caused by defamation.
- **Human Psychology and Information Processing:** Juries may underestimate the powerful influence of negative information on human perception and decision-making. Understanding how individuals absorb, interpret, and react to such information is crucial for assessing the extent of harm suffered.
- **Long-term Consequences of Defamation:** The damage caused by defamation can extend far beyond the immediate emotional distress. Juries may not fully grasp the long-term impact on the target's reputation, career, and personal relationships.
- **Options for addressing defamation:** Jurors may not be aware of the legal options available to individuals who have been defamed, including reputation repair programs. Closing these knowledge gaps is paramount to ensuring that juries can deliver fair and just verdicts in defamation cases. Furnishing clear explanations, expert testimony, and pertinent evidence serves to equip jurors with a profound understanding of the intricacies at play, enabling them to make well-informed decisions tailored to the specific circumstances of each case.

Measuring and Enhancing Reputation Repair Campaigns

Measuring the success of a reputation repair campaign is crucial to understanding its impact and refining strategies. Various tools and metrics can be employed to assess the effectiveness of the campaign. As detailed in previous sections of this white paper, there are many online monitoring and listening tools to monitor online mentions across social media, news articles, blogs, and forums. Monitoring sentiment trends, the volume of mentions, and the sources of discussions provides insights into the overall sentiment surrounding the brand or individual. Tracking changes in search engine rankings for specific keywords associated with the individual or brand helps gauge the effectiveness of content optimization and suppression efforts.

Social media platforms offer analytics tools to track engagement, follower growth, and the reach of posts. Monitoring positive engagement and sentiment on social media is essential for assessing the impact of reputation repair efforts. Google Analytics provides insights into website traffic, user behavior, and the effectiveness of online content. Tracking changes in website traffic, especially to positive or reputation-repair-focused content, can indicate campaign success. It is important to note that the success of a reputation repair campaign is multifaceted, and a combination of these tools, along with qualitative assessments, should be considered. Regular monitoring, adjustments to strategies based on data insights, and a focus on long-term positive trends contribute to a more effective reputation management approach.

VI. Conclusion

Reputation, an intangible yet invaluable asset, holds immense power in shaping an individual's or organization's social standing and garnering respect within society. Its determination extends beyond individual beliefs, transcending personal assessments to form a generalized perception held by the public. Reputational damage, therefore, requires a comprehensive approach that



delves into the intricacies of the public spheres where the damage occurred.

Quantifying reputational damage goes beyond simply measuring the extent of harm inflicted. Instead, it involves assessing the repair cost, encompassing the financial resources, time, and human capital invested in restoring a tarnished reputation. This cost-based approach provides a more tangible understanding of the impact of reputational damage and the resources required to rectify it.



In the ever-evolving landscape of reputational repair, understanding the fluid nature of public perception and anticipating potential repercussions from negative incidents are imperative.



Expertise in crisis management and reputational repair stems from a deep understanding of the nuances of the public

sphere and the complexities of crafting effective reputation-restoration campaigns. Skilled providers of these services employ diverse strategic approaches tailored to each client's unique needs to address reputational challenges effectively.

The accepted methodology for reputation repair professionals involves meticulously analyzing reputational damage, understanding target audience(s), and customizing campaigns to resonate with those exposed to damaging material. This strategic and targeted approach ensures that mitigation efforts are aligned with the specific concerns and perspectives of the affected individuals or groups.

In the ever-evolving landscape of reputational repair, understanding the fluid nature of public perception and anticipating potential repercussions from negative incidents are imperative. We consistently highlight the significance of customizing efforts to resonate with the distinctive characteristics and preferences of the audiences impacted by adverse content. This approach enables us to address their concerns, alleviate skepticism, and rebuild trust in a manner that is both authentic and relatable.

By understanding the intrinsic value of reputation, the nuances of public perception, and the importance of targeted communication, comprehensive and effective reputational repair services can restore trust, protect brands, and safeguard the reputations of individuals and organizations.

Case History: Scott Sapulpa v. Gannett Co., Inc., et al.

A recent case history illustrates the changing dynamics of journalistic practices and the components of a defamation claim, along with details as to the assessment of damages for the spread of defamatory material and estimates relating to repair.

*Scott Sapulpa v. Gannett Co., Inc., et al.*¹⁰ involved the publication of an online story by the *Daily Oklahoman*, a Gannett-owned newspaper that is the largest in the state. The online news story inaccurately reported that Scott Sapulpa, an announcer at a girls' high school basketball game, used a racial epithet against players who kneeled during the playing of the national anthem. He didn't realize his comments were being broadcast over a "hot" microphone.

A reporter at *The Oklahoman*, Cameron Jourdan, attributed the comments to Sapulpa based on a single, anonymous source (although the reporter claimed to have another source, this turned out not to be true, and during depositions even the single anonymous source denied specifically telling Jourdan that Sapulpa made the comments¹¹). Microsoft Teams chats between reporters and editors at the newspaper showed a rush to get the story posted. "Are we working on getting a web story posted ASAP?" the managing editor of the newspaper asked, later adding, "We'll get Cam's story posted as soon as possible. Let's plan on that story going on 1A."¹² Comments from other journalists show an unwillingness to properly consider whether their story was correct before posting ("...we can't let this guy weasel back into the shadows"), and, indeed, the story was published even after conflicting accounts had come forward:

Jourdan: Also, I've had a couple of people try to reach out and say "it's not Sapulpa, it's the other guy." Who's name is Matt Rowan, who owns the streaming site. But again, I have it from two people it was Sapulpa.

Patterson, Jeffrey [another Oklahoman reporter]: it's online now

Jourdan: Scott Sapulpa has now deleted his Twitter page.

Patterson: he canceled himself.¹³

Shortly thereafter, the other announcer, Matt Rowan, took responsibility for the comments. At first (as often can be the case with news organizations), *The Oklahoman* refused to admit the error, sticking with the story despite concerns over whether it was true. The publication, which at first only updated its story to suggest there were conflicting accounts as to who uttered the offensive comments, eventually had to change the story entirely to indicate Rowan, and not Sapulpa, was responsible.

Gannett's attorneys argued in court that the false reporting appeared online only for about 2 ½ hours, and pointed out that it did not appear in the next day's print edition. But the damage was done. The incorrect story received more than 190,000 page views, with 70,000 clicking on *The Oklahoman* web page alone. The false version of the story — mentioning Sapulpa by name — was also picked up by *USA Today* (Gannett's flagship publication) and CBS Sports.¹⁴ As a result of the reporting, Sapulpa was subjected to threats and harassment, and had to delete his social media accounts.

Expert witness Eric Rose (co-author of this white paper), testified as to damage the online story had caused to Mr. Sapulpa's reputation, and the costs of repair. Using the techniques described in this white paper Rose testified that his research showed that the false story naming Sapulpa

¹⁰ Muskogee County District Court in Oklahoma (Case No. CJ-21-100).

¹¹ <https://nondoc.com/2024/01/29/scott-sapulpa-libel-lawsuit-against-the-oklahoman-seeks-damages/>

¹² https://nondoc.com/wp-content/uploads/2024/01/The-Oklahoman-Teams-Chat-3-12-21-Sapulpa-trial_Redacted.pdf

¹³ Id.

¹⁴ <https://nondoc.com/2024/01/29/scott-sapulpa-libel-lawsuit-against-the-oklahoman-seeks-damages/>

had been picked up by more than 800 news outlets, with an estimated publicity value of \$21 million. Rose estimated it would take nearly \$900,000 to attempt to repair Mr. Sapulpa's reputation.

Another expert witness, Joel Kaplan, a former reporter for the *Chicago Tribune* and Gannett's *The Tennessean*, based in Nashville, also testified on Sapulpa's behalf:

Kaplan told the jury that The Oklahoman violated Gannett's policy by allowing the reporter to offer confidentiality to sources independently without editor approval. He criticized the newspaper for not meeting professional standards, citing the lack of verification in Jourdan's reporting as one of the most egregious examples of journalistic malpractice. Kaplan believed Jourdan had guessed about the story's accuracy, disregarded red flags, and faulted the newspaper for not contacting Sapulpa before publishing and for insufficient follow-up attempts amid conflicting reports.¹⁵

In a landmark jury verdict that, according to some reporting "rock[ed] the newspaper industry,"¹⁶ on Feb. 6, 2024, Sapulpa was awarded \$5 million in compensatory damages and \$20 million in punitive damages. The jury found the publication had acted with actual malice, which allowed it to award punitive damages.¹⁷

On March 19, 2024, Gannett Co. filed an appeal in the case.

¹⁵ <https://okwnews.com/news/whatzup/state/record-breaking-defamation-verdict-jury-awards-scott-sapulpa-25-million-in-landmark-defamation-case-against-the-oklahoman-owned-by-gannett>

¹⁶ <https://journalrecord.com/2024/02/oklahoman-defamation-verdict-rocks-newspaper-industry/>

¹⁷ <https://apnews.com/article/oklahoma-newspaper-defamation-racist-comments-7a97e443a35097fa25617106ea20baf6>

About the Authors

Eric W. Rose is a veteran executive in public relations, marketing, and communications with over 35 years of experience. He is a [partner at EKA](#) in Los Angeles, specializing in guiding clients through complex corporate reputation challenges and has assisted clients in navigating crises stemming from natural and human-made disasters, labor disputes, product recalls, layoffs, and plant closures.

Eric has distinguished himself in litigation, crisis communications, reputation management, image repair, and counseling. Eric has created public relations and marketing/communications programs for the legal profession and has provided litigation support throughout the United States. Eric has served as an expert information source and analyst for the mass media on crisis communications, image repair, and reputation management issues.

He is a respected court-qualified expert witness and has testified on matters relating to crisis communications, defamation, damaged image, reputation prevention, and the costs of implementing repair programs. He has provided expert testimony nationally on the costs and measures required to restore reputations. Eric has also been a rebuttal expert witness and excels in reputational repair and identifying and mitigating social media vulnerabilities.

Eric excels at distilling intricate legal matters into digestible, clear, and impactful narratives tailored to specific audiences. He also specializes in crafting communication strategies designed to navigate the litigation processes. His track record includes shaping narratives in high-profile cases, anticipating potential case outcomes, and effectively influencing key stakeholders to cultivate an environment conducive to the client's objectives.

James F. Haggerty, CEO of [PRCG | Haggerty LLC](#), is an attorney, author, and communications consultant with more than 30 years of experience advising corporate, nonprofit, and individual clients. Jim was recently named by *Business Insider* as one of "18 top public-relations experts CEOs scramble to hire in a crisis." He has also been repeatedly ranked as one of the top legal communications professionals in the United States by Chambers and Partners, the international legal directory, and in 2017 was named one of 50 "Game-Changers of PR" by *PR News* for his work in litigation-related communications. Jim is also President of Reputation Advisors International, a network of senior communications professionals in 16 cities across the globe.

Jim's influential first book, [In The Court of Public Opinion: Winning Strategies for Litigation Communications](#), has been called "...the perfect handbook for this age" by the *Financial Times* and remains a definitive exploration of public relations in legal disputes. *In the Court of Public Opinion* is now in its Third Edition, published by Hart + Harvest Press (2022). Jim's second book, [Chief Crisis Officer: Structure and Leadership for Effective Communications Response](#), was the best-selling public relations hardcover of 2017 and was recently released in paperback by Hart + Harvest Press, with a new Preface by the author. *Chief Crisis Officer* has received recognition in the *Harvard Business Review*, *Entrepreneur*, and *Fortune* magazines, among others. Jim was also a columnist for *American Lawyer's Corporate Counsel* magazine from 2011 to 2015.

Jim is admitted to practice law in New York and Florida. As an attorney, his legal work spans diverse areas, including reputation matters, First Amendment issues, and false advertising cases. Jim was also lead counsel on behalf of more than 3,000 victims of the Haitian Cholera disaster, in a case against the United Nations that reached the U.S. Supreme Court in 2019.

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