### IDJI 4.82.5 - Elements of defamation claim – public official or public figure

INSTRUCTION NO. \_\_\_\_\_

 The plaintiff is a [“public official” or “public figure”]. In order to prove a claim of defamation against the defendant in this case, the plaintiff has the burden of proving each of the following elements;

 1. The defendant communicated information concerning the plaintiff to others; and

 2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and

 3. The information was false; and

 4. The plaintiff was damaged because of the communication; and

1. The amount of damages suffered by the plaintiff.

 The plaintiff must prove the following additional element by clear and convincing evidence:

 6. The defendant knew the information was false, or acted with reckless disregard for its truth, at the time the information was communicated to others.

Comments:

Gertz v. Robert Welch, Inc., 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974);

Wiemer v. Rankin, 117 Idaho 566, 790 P.2d 347 (1990); Bandeline v. Pietsch*,* 98 Idaho 337, 563 P.2d 395 (1977).