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How the Supermarket Tabloids Stay Out of Court

Every few months a Hollywood celebrity walks into Vincent Chieffo's law office in Los Angeles, angrily waving a copy of one of the supermarket tabloids, those weekly newspapers that offer readers a feast of gossip, scandal and believe-it-or-not phenomena.

Asserting that an article is not true, the celebrity asks about suing the newspaper. Mr. Chieffo, a veteran entertainment lawyer, usually responds with what he calls "the facts of life" in the never-ending battle between these publications and the famous people whose lives provide the fodder for each week's blaring headlines.

He tells the celebrity that the tabloid will aggressively fight back, so the lawsuit will cost hundreds of thousands of dollars and will probably drag on for years. He emphasizes that in preparing their defense, the tabloid's lawyers might be given legal permission to scrutinize the celebrity's personal life.

And he points out that by law, the standard of libel for public figures is high, making the case difficult to win. The celebrity will have to prove "actual malice" -- that the tabloid was not just negligent, but rather knew that the item was false and nonetheless displayed a reckless disregard for the truth. Warnings Often Deter Lawsuits

Such lawyers' warnings, which often deter lawsuits, reflect how successful these newspapers have been at avoiding legal judgments.

Even though newspapers like The National Enquirer, The Star and The Globe regularly leave famous people fuming about what those people consider to be lies, half-truths and innuendo, the tabloids face few lawsuits and almost never lose trials.

The Enquirer, which publishes about 3,600 stories a year and boasts a circulation of about four million copies a week, is currently involved in only two libel suits, said Paul Wolff, a lawyer for the newspaper with the Washington law firm Williams & Connolly.

Paul M. Levy, a lawyer at Deutsch, Levy & Engel in Chicago who represents The Globe, said that in about 25 years of publication, there had never been a legal judgment against his client in a celebrity lawsuit. 'The Scorpion Defense'

Lawyers who have fought the publications say that by spending lavishly to employ powerful law firms, these newspapers have built intimidating reputations.

"It's the scorpion defense: You don't attack a scorpion because you're going to get stung," said Mr. Chieffo, a partner at Gipson, Hoffman & Pancione who has sued tabloids about a dozen times. "It's very tough. It's very difficult to prevail."

These lawyers say that the case many celebrities cite as their inspiration for suing the tabloids, the actress Carol Burnett's lawsuit against The Enquirer, was an anomaly.

Ms. Burnett contended that The Enquirer made up a 1976 article that depicted her as intoxicated during an encounter at a restaurant with former Secretary of State Henry A. Kissinger. The Enquirer wrote:

"At a Washington restaurant, a boisterous Carol Burnett had a loud argument with another diner, Henry Kissinger. She traipsed around the place offering everyone a bite of her dessert. But Carol really raised eyebrows when she accidentally knocked a glass of wine over one diner and started giggling instead of apologizing."

A jury awarded Ms. Burnett \$1.6 million, but that judgment was later reduced to \$200,000 after a number of appeals, and Ms. Burnett then agreed to an unspecified out-of-court settlement with The Enquirer. Damages Often Reduced

John D. Forbess, a Los Angeles lawyer who has sued The Enquirer and The Star on behalf of clients like Cher, noted that the Burnett case symbolized another difficulty in suing such publications -- or, for that matter, any publication: Even if a plaintiff wins high damages, appeals courts tend to reduce the award.

For those who decide to pursue a case, the going can be rough.

The tabloids' lawyers, employing a defense strategy that is often used by daily newspapers and other publications in libel suits, usually file a barrage of motions in court that tend to delay cases and put pressure on the plaintiffs to settle.

As a result, very few lawsuits ever come to trial. Some end with a settlement that includes a printed retraction or an agreement that the newspaper will not write anything about the celebrity for a specified period.

Mr. Chieffo and Mr. Forbess said that nearly all of their lawsuits against the tabloids had ended in out-of-court settlements. Suit From Elizabeth Taylor

Elizabeth Taylor sued The Enquirer about three months ago for libel and defamation of character. She cited two articles, one that said she had brought liquor into her hospital room when she was ill and another that said she was suffering from lupus.

Neil Papiano, Ms. Taylor's lawyer, said The Enquirer had filed motions asserting that the complaint is insufficient, seeking to move the case from state to Federal court and requesting Ms. Taylor's medical records from the past 30 years.

"I think they'll do everything they can to drag this on for a while," said Mr. Papiano, a partner at Iverson, Yoakum, Papiano & Hatch in Los Angeles. "Their object is to drag their feet. Our's is to move forward."

But Mr. Wolff, who heads the litigation team for The Enquirer, said he does not try to delay cases.

Mr. Wolff said no one at Williams & Connolly had ever been disciplined by a judge for filing unnecessary motions or seeking unnecessary depositions in an Enquirer case. 'A Thorough Defense'

"Our strategy is to do the best possible job for our client," he said. "And that, of course, means litigating with all the resources necessary. We do what we need to do to win the case. We do not engage in overkill. We engage in a thorough defense of The Enquirer."

Mr. Wolff said that The Enquirer's success in avoiding legal judgments stems from its careful reporting and editing and its reliance on legal advice throughout the editorial process.

In addition to the three lawyers from Williams & Connolly who represent The Enquirer in litigation matters, a group of four lawyers from the firm reads nearly every article before publication. Other supermarket tabloids have similar policies.

Mr. Levy said lawyers who criticize the tabloids' legal tactics are making excuses for their own failures.

"Why haven't celebrities been more successful?" he asked. "We are talking about celebrities with great resources. The reason is that we must be doing something properly within the law, or else there would be more successes here, and there are none."

Photo: "You're going to get stung," Vincent Chieffo, a lawyer, said about suing supermarket tabloids. (Bart Bartholomew for The New York Times)