

Internet Trolling 101: don't beat-up on us loveable lawyers

Speed read

This is a story about a troll beating up a lawyer, and then the lawyer beating up the troll in court.

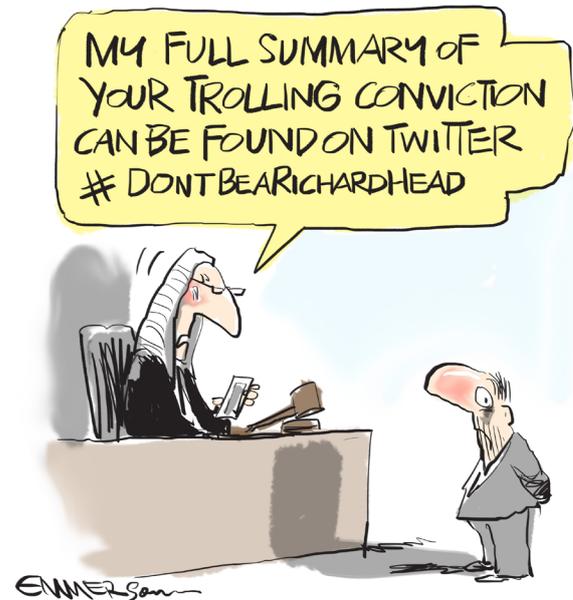
A recent UK defamation case has come down hard on the perpetrator of a fake Google Maps business review of an American lawyer.

That the target was in the USA didn't stop liability for actions in the UK.

The judge specifically noted the amplifying 'grapevine effect' of content posted on the internet, and awarded damages to the aggrieved lawyer.

The take-home message for internet trolls? Don't beat-up on lawyers, for one thing.

We show, including as to New Zealand, the defamation risk issues.



March 2015

The Detail

The troll was called Page and he trolled from his home base in England. The lawyer was called Bussey and he legal-eagled in Colorado.

Looks like Page was an 'internet troll'.

Wikipedia defines a troll as someone who "sows discord on the Internet by starting arguments or upsetting people by posting inflammatory messages... with the deliberate intent of provoking readers".

A fake business review had been posted to Google Maps, and was publicly accessible through Google's search engine.

The offending review, directed at Bussey, read as follows:

A Google User received 10 months ago

Overall Poor to fair

Scumbag Tim Bussey, pays for false reviews, loses 80% of his cases.

Not a happy camper

3 out of 3 found this review helpful

Mr Bussey wasn't best pleased. So he employed a Californian law firm to subpoena Google's records. These records identified Mr Page in England as the author of the comment, and Bussey brought a defamation action against him in the English courts.

The judge was Sir David Eady, a formidable force as defamation judges go, sometimes

**Internet Trolling 101:
don't beat-up on us
loveable lawyers**

seen as controversial, with some of the most notable libel and defamation cases of the last few decades, including *News of the World's* coverage of Max Mosley's participation in a sado-masochistic orgy.¹

There was no argument from Page that the allegations were true. Instead, Page said that a third party had hacked into his account to write the inflammatory post, and that, in fact, Page was the hacker's real target, given that he would inevitably be sued by Bussey.

The Judge didn't buy that, as, he said, this defence was a "*somewhat obscure explanation [that] defies probability*".²

Mr Page's Twitter account had earlier advertised Page's willingness to post fake 'feedback' or 'testimonials' for \$5 each. The possibility that Bussey's competitors had commissioned a fake review from Page offers a potential explanation for the defamatory allegations about Bussey, whom Page had no connection with. (Yes, dear reader, it is being suggested that lawyers might do such scurrilous things!).

That, or Page is simply a random internet troll.

The international nature of the case highlights some interesting points. Despite publication occurring in Colorado, the English High Court had jurisdiction over Page by virtue of the fact that he lived in the UK.

The claimants, however, were still required to prove that the case would be actionable under Colorado law.

Sir David Eady also held that the 'grapevine effect' of the internet had considerably amplified the calculable harm inflicted upon Bussey's practice and personal reputation.

Justice Eady's judgment reinforces the willingness of courts to hold trolls responsible for their defamatory actions on the internet... albeit where aggrieved victims have the resources to subpoena Google records and track down the perpetrator in a foreign jurisdiction.

We think this pretty much sums up the NZ law position too.

The take-home message for internet trolls? Don't beat-up on us lawyers. We are your friends.

1. *Mosley v News Group Newspapers Ltd* [2008] EWHC 1777 QB.

2. *Bussey Law Firm PC and Bussey v Page* [2015] EWHC 563 QB.