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The Speeches of Monroe H. Freedman

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1979

### American Library Association Speech Notes

Monroe Freedman

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Care + negligence  
Academ. + prac. - Const. L., Ks, Potts, Echa.  
Beyond libel for advice

## ALA Speech

### I. Good news - remote

Mouthed prac. 57 l. - warning - injunct. §

### II. Never guar. vs. being sued. ~~not beyond libel for ad-~~ Tie mail box to fence + util pole

Rider, van driver, res. 0, fire dept., util. co. (78)

Rules not hard + fast - Nat. Ed. pension its. '68-'72

### III. Potential libel

A. Tort + K - basically neg. or <sup>prof</sup> malprac / <sup>genl</sup> neg.

1) <sup>prof</sup> failure to perf. duties w/ ord. skill + care

2)  ~~upkeep of books - supp. parts~~

3)  ~~Select. of bks w/~~

4) <sup>genl</sup> violat. of other duty of care to users  
or even to who are not users.

Test freqly stated as foreseeable or causat.  
e.g., chicken hawk case

### B. Illustrats. [ Neg. misrep. ]

Non-library

1) Registrar's office re mtg.

n.b. clerk's mistake - reg. liable

2) Ct clerk told Marshall fnt for L, +

T wrongly evicted.

3) Atty told <sup>by clerk</sup> that fnt entered, but <sup>hadn't +</sup> C didn't



- 4) Notary said wrong # or kind of Ws  
 for will - N.B. suit by benefic.
- 5) Dr. giving wrong diag. re job health, synth.  
Suggests libel for neg. misstatement by lib.  
 - & by supervisor, u.b. misfit or upkg.

c. Mistatements [Defam or invas. of priv.]

- 1) Tavern men's room

Suggests - libel for <sup>defam.</sup> invas. of priv. <sup>pornography</sup> at least  
 when on notice

d. Mistake - violates of other kinds of duties  
 to others

- 1) Rape or robbery - lib.  
 2) Moving drunk to other (or "safer") place.

Also, N.B., maybe not drunk

- 3) Giving someone wherewithal to injure  
 a) Feeding drinks or leaving keys in car  
 b) Mfg. of slugshot

Suggests - libel for bk on slugshots, or  
 bk w/ diag. info, e.g., home rep.,  
 diag. diet, etc.

e) Libel of  
 encyclop.  
 re toxicity  
 of drugs.

IV. Defense - Immunity - Discret. { Selected of bks  
 maint. of files or supps.

But u.b. assumpt. of duty

Give advice in betw



## IV. Advice

~~B. Caveat to user — oral & posted~~

~~B. Talk to local bar & med. soc., e.g., re lawyer ref.~~

n.b. Improf. to tout for pers. adv.

A. Discreet. directive re legal & med advice, plus est. proc. re caveat ~~local of~~ (also post).

C. Prof. liabil insur. thru lib. or AIA

D. Hot line to atty — e.g., state atty gen'l  
corp. counsel of medic.  
univ. atty or LS  
MHF

## V. Conclusion

Remote — no suors

Best prof. job in free & giving way

But eh when in doubt



ALP Speech

Moucellis v. Armstrong, 64 App Div 2d 428, 409  
NYS 2d 899 (1978): Horse loose in armed fire  
dept parade. Park. And jkt car, onto  
edge of res. lawn. I had string wire from  
mail box to fence post, <sup>touching +</sup> may have been  
attached to util pole. Horse hit wire, threw  
her, ran off. Mile collided head-on w/  
van, injuring several passengers. Sued incl:  
rider, van driver, res., fire dept., util co.

Tarasoff v. Regs of L of Cal., 17 Cal.3d 425, 551  
Pd 334 ('76). Psychol. Dr. Moore. Doctor.  
Tolman?

foreseeable - "viewed" - retrospect  
special relashp, e.g. phys.-pat. - <sup>campus</sup> not, police.  
misf.-roof.



TBE:

Notary - Wa - will  
Barkeeper - drunk  
Slingshot wfr.  
Keys in car

Defamatory - repub. <sup>bad</sup> <sup>invas. of priv.</sup> <sup>intent not nec., but presence.</sup>  
reason to know

intention (Hader)  
private facts Jackie's kids school  
false life

Paper & robbery in blog.

Heller v. Brown, 111 Cal  
App. 2d 424, 24 P. 2d 757

Moving someone out of lib.  
to lang. place

(52) tavern men's room -  
1st name, comment on sex inter.,  
phone # - failure to remove =  
publicist.

Negligent misrep - topicity of drug in encyclopedia  
Misleading  
Supp. - upkeep

dictum <sup>misrep</sup> A duty to readers  
Dennett v. March, 432 F. 590  
(E.D.N.Y. '77).

Smith v. Lewis, 13 Cal 3d 349, 530 P. 2d 589 (75)

commen. int. - Nat. Bd pension etc. - '58.  
'72 dec. accepted ap. - "Even as to doubtful  
matters, atty must make "informed & intellij-  
gent."

Assumed duty



ALA E.g.

Legal rules re not responding - fear of  
unauthor. prac.

Divorce - grds, etc.

Probate - have to have w, etc.

Ins. bus. - need lic.?

Some will give source & read what says.

Pub. Info Sec. of Lib.

\* Rules of thumb re where in line.

Stock bks w/ bad dict advice or re  
bad being cap. of a wall - home rep.

defomat.

legal update

Advice

Talk to local bar, re, e.g., lawyer referral  
+ med. soc.  
Unprof. to tout for personal reas.

Caveat to user

Discretionary directive

Specif. prots,  
ch w/ atty.

ALA have one  
on tap - hot line.

Insur. Ethic lib. or ALA

Remote - do y. prof. best in free & giving  
way