

From: Post, Robert <robert.post@yale.edu>
Sent: Friday, January 16, 2026 4:08 PM
To: elena@judgewatch.org
Cc: lidsky@law.ufl.edu

Subject: **Re: Clarification -- "journalistic fraud", "institutional reckless disregard for truth", & The American Law Institute & its Restatement (3rd) of Torts -- "**

Because a "restatement" restates, but does not invent, law. This is true for all restatements.

Sent from my iPhone

Robert Post
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On Jan 16, 2026, at 3:57 PM, elena@judgewatch.org wrote:

Thank you for your prompt response, Professor Post.

I assume by "no" you mean that you would not recommend inclusion of causes of action for "journalistic fraud" and "institutional reckless disregard for truth" into the ALI's Restatement (3rd) of Torts.

Kindly advise as to the reason – and whether, if they were to be included, they would be in "[Defamation and Privacy](#)", "[Remedies](#)", or "[Miscellaneous](#)".

Thank you.

Elena Sassower

Fom: Post, Robert <robert.post@yale.edu>
Sent: Friday, January 16, 2026 3:42 PM
To: elena@judgewatch.org; lidsky@law.ufl.edu

Subject: **RE: The American Law Institute & its Restatement (3rd) of Torts -- "journalistic fraud" and "institutional reckless disregard for truth"**

I'm afraid the answer to your question is no.

Robert Post
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From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Friday, January 16, 2026 3:38 PM
To: lidsky@law.ufl.edu
Cc: Post, Robert <robert.post@yale.edu>

Subject: The American Law Institute & its Restatement (3rd) of Torts -- "journalistic fraud" and "institutional reckless disregard for truth"

TO: [University of Florida Media Law & First Amendment Professor Lyrrisa Barnett Lidsky](#)

I have received no response to my below January 5th e-mail to you, with its above attached October 29, 2025 verified amended complaint against The New York Times and 33 other press defendants for *knowingly* false, corruption-abetting, election-rigging journalism.

So that I may be guided accordingly in my contacts with the [American Law Institute](#), please advise, without further delay, as to whether, as the e-mail asks, "you will recommend to the American Law Institute that its Restatement (3rd) of Torts include the causes of action for 'journalistic fraud' and 'institutional reckless disregard for truth'."

Also, please advise whether these torts would be in the [Restatement \(3rd\) of the Laws of Defamation and Privacy](#), whose co-reporter, with you, is Professor Robert Post – and, if not, would they be in "[Remedies](#)", or "[Miscellaneous](#)".

Professor Post is herein cc'd so that he may also advise, including as to his recommendation.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: elena@judgewatch.org <elena@judgewatch.org>

Sent: Monday, January 5, 2026 4:16 PM

To: 'lidsky@law.ufl.edu' <lidsky@law.ufl.edu>

Subject: Federal Lawsuit vs The NYT & 33 Other Press Defendants, in Vindication of the First Amendment, with Causes of Action for "Journalistic Fraud" & "Institutional Reckless Disregard for Truth", etc.

TO: [University of Florida Media Law & First Amendment Professor Lyrrisa Barnett Lidsky](#)

I am director and co-founder of the nonpartisan, nonprofit citizens' organization Center for Judicial Accountability, Inc. (CJA) and learned of you and your important scholarship in media law and the First Amendment from the December 2, 2025 [Free Speech Unmuted](#) podcast "[Defamation Law in the Age of AI with Lyrrisa Lidsky](#)".

Are you aware of the cause of action for "journalistic fraud", proposed as viable under the First Amendment and just waiting to be tested by the 2003 law review article "[Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence](#)" (Clay Calvert, Robert Richards). How about the cause of action for "institutional reckless disregard for truth", similarly proposed as viable by the 2004-2005 law review article "[Institutional Reckless Disregard for Truth in Public Defamation Actions against the Press](#)" (Randell Bezanson, Gilbert Cranberg).

Has there been any scholarship about these two law review articles over the past 20 years – and lawsuits based thereon? I have found none.

In 2006, CJA brought one such lawsuit, in New York state courts, against [The New York Times](#) and in 2010, brought a second such lawsuit against [Gannett](#) – each "thrown" by fraudulent judicial decisions, on trial and appellate levels, obliterating all adjudicative standards.

CJA has now brought a third lawsuit, this time in federal court against 34 press defendants, [The New York Times](#) among them, highlighting and hyperlinking to the records of these two prior lawsuits in support of declarations and damages for "Journalistic Fraud" and "Institutional Reckless Disregard for Truth", which are its first two causes of action, followed by "Defrauding Purchasers, Contributors, & Taxpayers" and "Conspiracy". Above-attached and here-linked is the [October 29, 2025 verified amended complaint](#), which – like the verified complaints in the prior two lawsuits – chronicle, with open-and-shut, primary source evidence, how the press/media *actually* operate, flagrantly violating their First Amendment responsibilities and journalist codes of conduct. Surely, it is no coincidence that scholarship as to this reality of press/media performance that would give rise to a "journalistic fraud" cause of action is also seemingly non-existent.

In addition to furnishing you with CJA's federal lawsuit for your scholarship and teaching, would you be available to participate in the lawsuit either *pro bono* or as a paid expert? I believe the lawsuit is a summary judgment case, with NO defense to it, factually or legally,

and that the SOLE issue is the magnitude of compensatory, presumed, and punitive damages – a jury determination that will reasonably be many tens of billions of dollars. The district court’s irregular handling of the lawsuit, highlighted by my December 19th affidavit, reinforces this. What do you think?

I look forward to discussing the foregoing with you – and whether you will recommend to the American Law Institute that its Restatement (3rd) of Torts include the causes of action for “journalistic fraud” and “institutional reckless disregard for truth”.

Kindly let me know, as soon as possible.

Thank you.

Elena Sassower, Director
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<amended-complaint-oct-29-2025-signed-by-zerman.pdf>