



Out of the Line of Fire: Protect Your Podcast From Claims, Lawsuits and Attacks

The focus of this talk: Sharing a strategic and subjective approach to protecting what is said on a podcast, with the focus on keeping the emotion, the intent and the story while staying out of the line of fire: what to share, what to hold back, and how to say an opinion so it is not heard as a claim.

The talk overview

To me, the way a statement is made on a podcast can matter as much as whether it is true. In the last couple of years, a great number of podcasters have faced lawsuits, including defamation claims, over what they say on their shows.

In what I have seen, the new internet ambulance chasing lawyers are moving from injuries on the street to the mistakes people make online and the ways people are offended by what they hear. Many of these cases do not make the news. Some are settled quickly, some shows are shut down, and some are under a gag order. To me, it is happening far more than people see.

I am not a lawyer, and none of this is legal advice. I have worked in reality television, with CBS, ABC, NBC and FOX, on hundreds of albums, and in high profile and political communication, and in that work these issues are coming more and more to the forefront.

This talk is about protection, not about holding back the emotion or the story. To me, the aim is to keep the emotion, the intent, the power and the story, and to deliver them in a way that is stable, so there is less for anyone to fire back at.

I look at an episode the way I look at any message that has to hold up under scrutiny. Separating the objective from the subjective. Weighing intention against perception. Describing the behavior instead of labeling the person. And making an opinion read as an opinion before an episode goes out. What I share is how I look at language, framing and the record.

What podcasters can leave with

- Ways to add protection to a show, a host and guests while keeping the emotion, the intent and the story.
- Different ways to make an opinion clearly come off as an opinion in their own episodes, such as leading with "I think" and sharing why, so it is heard as their view of what they saw and not as an accusation stated as fact.
- A list of things to consider before publishing: what to share, what to hold back and what to cut, including what a guest said about someone else.
- Types of language that can describe what happened and what was seen from one viewpoint, in place of labels and charges that can be turned back on them.
- Ways to track and create a record of recordings, sources and permissions that can support an episode if it is ever questioned.

Takeaways and touch points

- Differentiating the objective from the subjective in what is said on a podcast.
- Leading with "I think" and sharing why.
- Considering intention vs the perception of how an episode is heard by a listener, a platform or a court.
- Describing the behavior rather than labeling the person, and staying away from diagnostic and mental health labels, including when a label feels accurate.
- Deciding what to share, what not to share, and what to cut, including a guest's claim about someone else.
- Keeping the emotion in the delivery while taking the reactive, sensational and legal accusation language out of your own words on purpose.
- Ways to keep organized records behind stories that could create conflict or come back to haunt you later.

Cases the talk draws on

Each case is described from the source linked with it. One case was dismissed, some went forward, and one is waiting on a ruling. The talk looks at why each has gone the way it has.

- **Milkovich v. Lorain Journal Co.** The United States Supreme Court, 1990: "Simply couching such statements in terms of opinion does not dispel these implications". The Court's example was "In my opinion John Jones is a liar," which still implies facts.
Source: [Milkovich v. Lorain Journal Co., 497 U.S. 1 \(1990\), on CourtListener](#)
- **Macron v. Owens.** Emmanuel and Brigitte Macron filed suit against Candace Owens in Delaware Superior Court in July 2025, with 22 counts over her eight part podcast "Becoming Brigitte" and posts on X. At a July 27, 2026 hearing on a motion to dismiss, the judge adjourned without ruling.
Source: [NBC New York \(CNBC\), July 23, 2025](#) and [Bloomberg Law, July 27, 2026](#)
- **Cardi B v. Tasha K.** A jury awarded Cardi B \$4,000,000 against YouTuber Tasha K in January 2022, over statements Tasha K made about her, and the Eleventh Circuit upheld it, as reported in March 2023.
Source: [Digital Music News, March 21, 2023](#)
- **Kielburger v. Canadaland.** A podcast episode repeated a 1996 magazine allegation. In May 2024 an Ontario court refused to throw the claim out early, noted that letters refuting the allegation were left out and that Theresa Kielburger was not asked to respond, and sent it to trial.
Source: [Canadian Press via Castanet, May 17, 2024](#)
- **Elias v. Rolling Stone.** A reporter's remarks as a guest on a Slate podcast used words like "I would speculate" and "it seems impossible to imagine." The Second Circuit agreed in 2017 that the remarks were not statements of fact, and the part of the suit over the podcast stayed dismissed.
Source: [Elias v. Rolling Stone LLC, 872 F.3d 97 \(2d Cir. 2017\), on CourtListener](#)

Closing the talk

This is one set of ideas, parameters and strategies that are worth considering. It is not the answer. It may be part of an answer in how you protect what is said on your podcast and stay out of the line of fire.

Speaker and presenter bio

Loren Weisman is a Brand Communications and Optics Strategist based in Orlando, Florida, working worldwide. He helps businesses and individuals build authentic and authoritative brands by aligning messaging, optics and communication.

His background includes work as a drummer and producer on 700+ albums, television production credits with ABC, NBC, FOX, CBS and TLC, and consulting roles across a range of industries. He has written five books: the first and second editions of The Artist's Guide to Success in the Music Business, Music Business For Dummies, Alphabet Animal Adventures Across America, written with his daughter, and a 2026 book released under a pen name.

As a speaker he delivers down to earth, educational and applicable presentations. Every talk is tailored to the level of understanding and the size of the audience, from small board rooms to full capacity convention centers. There are no locked in slide decks and no one size fits all presentations.

Loren Weisman is a Brand Communications and Optics Strategist who specializes in illuminating authoritative intelligence and amplifying authentic experts. Weisman is the host of the brand communications and optics podcast Wait What Really OK.

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