

Defamation Defense

New York Defamation Defense Lawyers

Abrams Fensterman defends businesses, executives, nonprofits, journalists, authors, publishers, healthcare providers, public figures, and individuals facing defamation, libel, slander, and defamation by implication claims throughout New York.

Led by **Justin T. Kelton**, Partner and Co-Chair of the firm's Litigation Department, our defamation defense team combines substantive defamation law knowledge with aggressive procedural strategy designed to defeat claims as early as possible.

[Contact Our Defamation Defense Team](#)

What Is Defamation Defense?

Defamation defense in New York is the legal practice of representing defendants accused of libel or slander, working to defeat or dismiss the claim through motions to dismiss, anti-SLAPP relief under Civil Rights Law § 76-a, summary judgment, jury trial defense, or appellate review.

Defamation claims arise when a plaintiff alleges that a false statement of fact, published to a third party, caused reputational or economic harm. In New York, defendants frequently face these claims after publishing reports, reviews, social media statements, internal communications, or public statements on contested issues.

Our team moves to dismiss at the pleadings stage, deploys New York's anti-SLAPP statute when speech involves a matter of public interest, pursues summary judgment where the factual record allows, and tries defamation cases to verdict when trial becomes necessary.

What Defenses Are Available in a New York Defamation Case?

New York defamation defendants have several substantive defenses, including truth, statements of opinion, statutory privilege, fair comment, the wire service defense, and constitutional protections under the actual malice standard for public figures.

Substantive Defenses

Truth, opinion, rhetorical hyperbole, statutory privilege, common law privilege, fair report privilege, litigation privilege, common interest privilege, fair comment, and constitutional protections can each provide grounds for dismissal.

Procedural Defenses

Motions to dismiss under CPLR 3211, anti-SLAPP motions under Civil Rights Law § 76-a, statute of limitations defenses, and summary judgment under CPLR 3212 can determine how quickly a case can be defeated.

What Is an Anti-SLAPP Motion in New York?

An anti-SLAPP motion in New York, brought under Civil Rights Law §§ 70-a and 76-a, asks the court to dismiss a defamation lawsuit that targets protected speech on a matter of public interest. The plaintiff must then demonstrate that the claim has a substantial basis in law.

New York's anti-SLAPP statute was substantially expanded in 2020 to cover claims based upon communications in a public forum or concerning issues of public interest. Public interest is construed broadly, and only purely private matters fall outside the statute.

Anti-SLAPP motions can also support emergency appellate relief. When a lower court denies anti-SLAPP dismissal, defendants can seek a stay of discovery pending appellate review, protecting First Amendment rights and avoiding the discovery costs and intrusions the statute was designed to prevent.

How Our Defamation Defense Team Protects Clients at Every Stage

Pre-Suit Demand Response

Many defamation claims begin with a cease and desist letter or retraction demand. Early counsel can frame the response, preserve defenses, and position the case for swift dismissal if litigation follows.

Motions to Dismiss

Defamation complaints in New York must plead with specificity. Generic, conclusory, opinion-based, or non-actionable statements may be defeated through a properly framed CPLR 3211 motion.

Anti-SLAPP Motions

Where the challenged speech involves a matter of public interest, anti-SLAPP relief offers a powerful dismissal tool and the possibility of attorney's fees.

Summary Judgment

For cases that survive the pleadings, summary judgment may provide the next opportunity to dispose of the case before trial.

Jury Trial Defense

When a defamation case reaches trial, the firm fields trial-ready advocates who understand the high stakes of reputation-based litigation.

Appellate Practice

When a lower court denies dispositive relief, we move quickly to the Appellate Division to seek appellate review and emergency stays where appropriate.

Recent Defamation Defense Wins

Abrams Fensterman has secured significant victories defending clients in high-stakes defamation, First Amendment, and Anti-SLAPP litigation, including trial victories and appellate rulings protecting free speech rights throughout New York.

\$2 Million Defamation Claim Withdrawn During Jury Trial

Our firm recently served as lead defense counsel in a two-week jury trial involving a defamation claim seeking more than \$2 million in damages. Before the case was submitted to the jury, the claimant withdrew all claims with prejudice and without any payment by our client. Because defamation cases rarely reach a jury in modern New York practice, achieving a complete withdrawal during trial represented a significant victory. The details of the matter and resolution remain confidential.

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Protecting the Right to Speak Out Against Antisemitism

Abrams Fensterman represents a nonprofit organization sued for defamation after publicly identifying what it characterized as antisemitic conduct at Columbia University

following the October 7, 2023 attacks in Israel. When the trial court denied dismissal and ordered discovery to proceed, the firm immediately sought emergency appellate relief. The Appellate Division granted a temporary restraining order staying all discovery — a rare and significant victory protecting core First Amendment rights and sparing the client from intrusive and costly litigation burdens while the appeal remains under review.

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Who We Defend in New York Defamation Cases

Defamation defendants represented by the firm include businesses, executives, nonprofit organizations, journalists, authors, publishers, media organizations, public figures, healthcare providers, and individuals who face libel, slander, or defamation by implication claims.

- **Businesses and executives** facing claims arising from competitive communications, internal investigations, employment matters, or public statements.
- **Nonprofit organizations and advocacy groups** sued over public-interest statements involving First Amendment protections.
- **Journalists, authors, publishers, and media** organizations facing claims involving reporting, books, broadcasts, and online content.
- **Healthcare providers and medical practices** facing claims arising from peer review, employment disputes, or online reviews.
- **Public figures** and matters involving the constitutional actual malice standard.
- **Individuals sued personally** for statements made on social media, in online reviews, letters, or civic disputes.

Defamation Defense Attorney Justin T. Kelton

Justin T. Kelton leads the firm's defamation defense practice. As a Partner and Co-Chair of the Litigation Department, he represents defendants in libel, slander, and First Amendment matters in state and federal court and the Appellate Division.

Justin is a trial lawyer who represents clients in high-stakes business disputes, investigations, and governmental enforcement actions before federal and state courts. He regularly represents media organizations, journalists, authors, and public figures in First Amendment matters and has substantial experience representing both plaintiffs and defendants in defamation and libel lawsuits.

His defamation scholarship has appeared in the *New York Law Journal*, including analyses of [Defamation by Implication](#) and the dismissal of [Drake's Defamation suit involving Kendrick Lamar's "Not Like Us."](#)

In 2025, Justin was appointed by the Presiding Justice of the Appellate Division, Second Judicial Department, to serve on the Court's Committee on Character and Fitness. His work has been profiled in national and international media, including *Forbes*, the *Associated Press*, *Reuters*, *The Washington Post*, *NBC News*, and *ABC News*.

Frequently Asked Questions

What is the statute of limitations for defamation in New York?

New York imposes a one-year statute of limitations on defamation claims, running from the date of publication. The single publication rule generally treats each mass-published statement as having a single date of publication for limitations purposes.

What is the difference between libel and slander?

Libel is written or published defamation, including online statements, articles, social media posts, and broadcasts. Slander is spoken defamation.

What is an anti-SLAPP motion, and when does it apply?

An anti-SLAPP motion under New York Civil Rights Law § 76-a asks the court to dismiss a defamation claim that targets speech on a matter of public interest. The plaintiff then bears the burden of showing the claim has a substantial basis in law.

Can a literally true statement be defamatory in New York?

Yes. New York recognizes defamation by implication, where a statement that is technically true conveys a false and defamatory suggestion.

What should I do if I receive a defamation cease and desist or retraction demand?

Contact defamation defense counsel before responding. Early counsel can evaluate the legal sufficiency of the demand, identify available defenses, preserve evidence, and position the matter for swift dismissal if litigation follows.

Does Abrams Fensterman defend defamation cases at trial?

Yes. The firm has trial lawyers who have defended defamation claims to verdict and recently obtained a complete withdrawal of a \$2 million defamation claim during a two-week jury trial, with no payment, before the case was submitted to the jury.

