

Legal News Headlines vs. Reality

Sarah Sawyer: Welcome to this week's OK at Work with myself, Sarah Sawyer, my colleague Russell Berger both attorneys at Offit Kurman, and today we are talking about news legal headlines. So I know I'll get messages from clients that will be sending you along something that they saw, like a very exciting news headline that says that something has happened with some law in a case, or, some new change that's happened as it relates to a case. And sometimes those are really good articles and sometimes I look at them and they're pretty incomplete or really when you look down and you drill down the really flashy headline in that says something that really pulls the reader in, is not quite accurate.

Often because these cases are very nuanced and there's procedure and the people writing them maybe don't have the full understanding. So what are some things that, people should be thinking about when they see these news headlines and [00:01:00] be cautious about when it relates to these topics?

Russell Berger: Yeah, well, number one, read past the headline, read the full article, read all the way to the end. And, ultimately, what we would do right, is we'd read the case and we'd skip the news article the secondary source version of it, and we'd get to the primary source and derive our own learnings from that.

But, the thing is law is pretty nuanced. There's a lot of gray area, like that's where, we spend the vast majority of our time as lawyers. So, trying to drill something down to a headline or a tweet is a very surface level way of trying to summarize something that's complicated and nuanced and filled with subtlety.

I think the main takeaway is like, well, you gotta really know what's going on and what, you gotta know the procedural history. You gotta know the substantive analysis. And then you've also gotta know how it applies to you and what is the application, what does this mean?

And it's just something that, you're obviously, you're not gonna get that from a headline or an article.

Sarah Sawyer: Yeah, and I think one thing that is a common mistake that [00:02:00] actually all of us made when we first got into law school before someone told us how to read a case and how to decipher these things is that, people like to get something that's buzzy that maybe a judge said that some commentary or something that's in a case and really pull from that. But exactly to your point, Russell, there's a lot of context around that and it could be as far as procedurally it could maybe actually, even though it's written there and it looks flashy and it looks like it's telling you something and it's important.

It's deceiving because for a lot of reasons that would take us a long time to go into and teach a little class on here at OK at Work. That might actually be not that relevant. And so it's tempting for either a lay person or a news reporter to wanna pull that language and pull that little soundbite and present it as something that's important.

And it's not like it wasn't said, and it's not like it doesn't exist, that's true, but the impact of it, how it impacts people, how it impacts future cases, how it impacts that case itself, really depends on a lot of different circumstances. And so I [00:03:00] totally get why people,

reporters or, lay people get in there and go, oh, well this thing is telling me X this judge said this thing.

And just think that means the whole world, but it's a little more nuanced.

Russell Berger: Yeah. Well, and the other point to keep in mind too is that people behave differently following a decision. So we're recording this shortly after President Trump's tariffs were ruled improper by the Supreme Court, but his reaction was to immediately, well, I'm gonna, issue different tariffs under a different law for a different reason. And, that'll probably be subject to a different set of legal challenges. The point is it's not fixed in time either. Litigants, parties, legislatures, change what they do in response to this.

And, again, it's part of our job as lawyers well how do we navigate this? Can we get around this? Do we need to circumvent it entirely? Is there a workaround? How do we help our client get to the point they wanna get to navigating whatever is, in this kind of legal minefield.

So even reading, headlines, even if they're accurate, they're only accurate for that specific point in time, 'cause things will change and it's ever evolving. [00:04:00]

Sarah Sawyer: Based on those specific facts. And that specific circumstance. So I think the takeaway definitely is don't change everything you're doing based on the headline.

Dig a little bit deeper. Call the experts, make sure that you're buzzy headlines are a good starting point to get entrusted in something. They are not the end point. That is for sure. Well, thanks Russell. We'll see you next time.

Russell Berger: Thanks, Sarah.