

## Jason Bloom in Law360: Magazine Doesn't Trust Wikipedia In 'Welfare Queen' Suit

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PRACTICES Appellate

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D Magazine of Dallas told the Texas Supreme Court on Tuesday to dump a defamation suit over an article that called a woman a "welfare queen" because a lower court improperly used Wikipedia to define the phrase.

The news and lifestyle magazine had asked in October 2015 for review of a lower appellate court's August 2015 decision to allow the suit by Janay Bender Rosenthal to go forward. The magazine contends the court misconstrued the gist of its March 2013 article about Rosenthal and her use of the state's Supplemental Nutrition Assistance Program while living with her daughter and fiance in a home he owned in the affluent University Park area of Dallas.

Rosenthal said the story by an anonymous writer suggested she had committed welfare fraud and the appeals court's majority agreed. However, D Magazine argued the court used a flawed approach by relying on sources outside the record — like Wikipedia for the definition of “welfare queen” — instead of determining what meaning an ordinary reader would attach to the piece. The magazine said the court misconstrued the article's gist to include an allegation that was not made...

Lawyer [Jason Bloom](#), arguing on behalf of D Magazine, told the Texas Supreme Court in oral arguments Tuesday that when the court left the evidence on the record and consulted Wikipedia to define the term “welfare queen,” it made an error in violation of the state free speech law, the Texas Citizens Participation Act. Not only had the appellate court inaccurately defined the term, but it went “way out of bounds” to do so, he argued.

“The court must look at the article and determine that [definition] based on the article as a whole,” he argued. “And had the court done so, it would have seen that 'welfare queen' had no connotation of fraud ... The problem, when you start looking at dictionary definitions, is you're not really doing what the ordinary reader would do.”

Bloom told the court that Wikipedia is not a resource that should be “relied upon in any sort of judicial decision making,” arguing that it's susceptible to “opportunistic editing” by anyone who chooses to do so.

“I think Google, and Wikipedia and Siri are fine for resolving disputes among friends at the dinner table,” he told the court. “But they are terrible resources for resolving judicial disputes.”

**Excerpted from *Law360*. To read the full article, please [click here](#) (subscription required).**