CLIENT ALERTS & INSIGHTS

Lessons from Kai Spears v. The New York Times Co.: A Historic Defamation Verdict

OCTOBER 6, 2026

Authors: Kate Watson Moss, Maura T. Levine-Patton, Tyreye Morris

Featured Practices: Litigation, Defamation Litigation, Crisis Management & Strategic Response

Key Takeaways

- The first defamation verdict against The New York Times in more than 50 years highlights the significant litigation risks that can arise when reporting relies on inadequately vetted anonymous sources and critical editorial safeguards are not followed.
- The decision demonstrates that actual malice may be supported not only by what happens before publication, but also by a publisher's response after concerns are raised. Courts and juries may closely examine whether credible denials, contradictory evidence and requests for correction were meaningfully investigated.
- The case also reinforces that involvement in a high-profile event does not automatically make someone a public figure. Organizations, media companies and communications professionals should carefully evaluate who may be considered a private figure, as misjudging a subject's status can significantly increase potential defamation exposure and damages.

Introduction

A recent trial court verdict for Plaintiff in *Kai Spears v. The New York Times Co.*, Case No. 7:23-cv-00692 (N.D. Ala.), shows how sloppy reporting choices can have expensive consequences in a case against one of the nation's most successful newspapers. On August 20, 2026, a federal jury in the Northern District of Alabama awarded Kai Spears $9.25 million after finding that The New York Times falsely placed him at a fatal shooting scene, acted with actual malice and only agreed to retract the story once they had been sued.

The result is historic, as it constitutes the first defamation verdict against The New York Times in over 50 years. This is especially noteworthy because The Times is the very newspaper whose name defines the constitutional actual malice standard under *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). This case offers concrete lessons for media organizations, corporate communications teams, investigators, executives and crisis professionals operating under time pressure.

Key Insights

1. **Anonymous sourcing** in media reporting demands rigorous, multi-step verification. Layered anonymity, especially where a reporter never speaks with the underlying source, sharply increases legal risk.

2. **Internal editorial policies** are only as strong as their enforcement. A failure to obtain required approvals can become compelling proof of negligence or reckless disregard at trial.

3. **Credible, on-the-record denials** require genuine investigation. Ignoring them before or after publication can support actual malice and punitive damages.

4. **Delayed corrections** can compound reputational injury, strengthen a plaintiff's narrative of indifference and influence how jurors assess both harm and punishment.

5. **Private-figure status** broadens potential exposure to the media company. A person connected to a highly newsworthy event does not automatically become a public figure.

Factual Background

In the early morning of January 15, 2023, 23-year-old Jamea Harris was shot and killed near the University of Alabama campus in Tuscaloosa. Prosecutors later charged former Alabama basketball player Darius Miles and his friend Michael Lynn Davis with capital murder. A jury convicted Davis, who was sentenced to life without parole. Miles still awaits trial.

Brandon Miller, then a star Alabama basketball player, was also present at the scene of the shooting. The incident immediately attracted national attention because of the gravity of the crime, the prominence of the Alabama basketball program and public interest in the case.

On March 15, 2023, only hours before Alabama began its NCAA Tournament run as the top overall seed, Times sportswriter Billy Witz published an article titled "A Fourth Alabama Player Was at a Deadly Shooting, in a Car Hit by Bullets." The article falsely identified Kai Spears, a freshman walk-on, as a passenger in Miller's car, which was present during the shooting. But Spears was not in Miller's car, nor was he at the scene of the shooting. He was several blocks away, walking with friends back to his dormitory.

Only five days after the article was published, Kai Spears' attorney demanded a retraction under Alabama Code § 6-5-186, explaining to the Times that Kai was not at the scene. The Times refused. Spears filed suit on May 30, 2023, asserting claims for libel and false light invasion of privacy. The Times corrected the article, but not until June 2, 2023, **more than two months after publication** and only after Spears filed his lawsuit against the publisher.

What Went Wrong at the Times?

Reliance on Layers of Anonymous Sourcing

The article relied on two confidential sources, designated in the litigation as "Source A" and "Source B." But Witz never interviewed the underlying source directly. The published article described only "a person familiar with the investigation" who spoke "on the condition of anonymity to discuss sensitive matters." That formulation concealed the distance between the reporter and the original information. A second source reportedly offered little more than: "I can tell you it's a white guy on the basketball team, I just don't remember his name."

Takeaway: Anonymous sources must be vetted appropriately. If they are not, plaintiffs have a stronger argument that the media company and/or journalist failed to follow the appropriate protocols.

Betrayal of Company Policies

Witz also failed to follow The Times' policy on anonymous sourcing. Notably, the Times maintains policies requiring an article dependent on anonymous sourcing to receive approval from one of four senior editors. But Witz did not obtain the required approval before publication.

While internal rules do not automatically set the legal standard and policy violations do not give to an automatic finding of *per se* negligence or actual malice, failure to adhere to established internal standards and requirements provides strong evidence of actual malice. A publisher's failure to adhere to its own standards can show that not only was an error avoidable, but that the publisher had knowledge of the impact of failing to adhere to the standard. This is key actual malice evidence.

Takeaway: Publishers and communications teams who fail to meet their own internal approvals take on significant legal risk when it comes to defamation. Ensuring that internal pre-publications approvals are met, especially for publications that could cause significant harm to its subjects, is of paramount importance.

Ignoring Contrary Evidence

Before publication, Witz spoke to Spears's father, Christian Spears, who unequivocally denied that Kai was a passenger in the car present at the shooting. After publication, Spears, his lawyer, his father and University of Alabama officials, including Athletic Director Greg Byrne, all told the Times that the report was false. The fact that multiple individuals with knowledge were contradicting the account presented by the Times should have given them pause, especially in light of their weak sourcing.

But the Times chose not to credit the multiple sources offering contrary evidence. On March 17, 2023, the Times told Spears and his attorney that it "[is] confident in our reporting and stand by it." Other outlets described this response as "doubling down." The combination of a pre-publication denial and authoritative post-publication challenges became central to the jury's assessment of the Times' state of mind (i.e., actual malice).

Takeaway: Journalists should listen to subjects, their attorneys, and other sources who provide a denial or contrary evidence, both in advance of and following publication. Failing to provide this

information in the article is grounds for a court to find actual malice-and refusal to retract a story can serve as evidence of pre-publication state of mind, such as showing that the publisher was committed to a preconceived narrative and refused to credit contradictory evidence.

Key Legal Issues to Remember from This Case

Private Figure Versus Public Figure Status

Defamation defendants frequently attempt to hide behind “public figure” status, thinking that by considering a plaintiff a “public figure,” they can write about them with less consequence. But this case shows that there are inherent risks in taking that approach. Here, the Times argued that because Spears was a University of Alabama basketball player, he should be considered a public figure, and that the heightened actual malice standard (as opposed to the negligence standard) should apply. The Court disagreed, holding that Spears’ membership on a nationally prominent college basketball team did not make him a public figure for purposes of this dispute. Furthermore, connection to a newsworthy institution or event, without more, does not automatically amount to voluntary participation in a public controversy. Because Spears was not considered a general or limited purpose public figure, he only needed to show that the Times published its story negligently (as opposed to publication with actual malice-that is, with knowledge of its falsity or with reckless disregard of the truth).

Actual Malice for Punitive Damages

Although negligence was sufficient for defamation liability here, the jury nevertheless determined that the Timesacted with actual malice, meaning that it published the article with knowledge of falsity or reckless disregard for truth. That finding supported the $7.5 million punitive damages award. In total, the jury awarded Spears $9.25 million: $1.75 million in compensatory damages for reputational injury and mental anguish, plus $7.5 million in punitive damages.

Conclusion

The Spears verdict sharpens risk principles that should be familiar to publishers. Media outlets should always verify information obtained from anonymous sources through multiple independent steps and treat internal policies as mandatory controls. Journalists must investigate denials-it is not enough to merely quote them-and correct serious errors quickly and visibly. Above all, publishers should assess the status and vulnerability of every person named in a report. These practices protect accuracy and credibility; failure to adhere to them can be used to establish negligence, actual malice, presumed damages and punitive liability.

Benesch's Defamation and Crisis Management teams advise businesses, executives, public figures, educational institutions and organizations confronting reputational threats, high-profile media scrutiny and fast-moving crises. Our attorneys regularly counsel clients on defamation, false light, media law, strategic communications risks and reputational harm, helping them evaluate claims, respond to inaccurate reporting and navigate complex disputes where legal, business and public-relations considerations intersect. We will continue

monitoring developments in defamation law and the evolving standards governing media liability, actual malice and reputational injury.