

Jock Shocked About Firing

By Reg P. Wydeven
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'Shock jocks,' or broadcasters who attract attention by using offensive or controversial humor, are continuously pushing the envelope hoping to draw in more listeners to offend.

As documented in the movie 'Private Parts', fans of Howard Stern, the self-proclaimed King of All Media, were polled as to why they tune in to his program. The most common answer given was, "I want to see what he'll say next." Meanwhile, people who hate Stern were also polled as to why they listen to his show. Likewise, his detractors' most common reason was, "I want to see what he'll say next."

One job hazard of being a shock jock is being sued for saying something so offensive it crosses the line. One of the more 'shocking' aspects of the scandal surrounding Don Imus, who was fired from CBS on April 12 after he called members of the Rutgers Women's Basketball team "nappy-headed 'hos" on his radio show, "Imus in the Morning," is that Imus is now the one doing the suing.

After he was terminated, Imus hired Martin Garbus, one of the country's top trial lawyers, to sue CBS Radio for \$120 million for wrongful termination. According to CBS, Imus was fired "for cause...based on the comments in question and relevant contract terms." Garbus disagrees, and asserts that Imus was simply doing his job when he made the sexist and racist comments about the Lady Scarlet Knights.

Imus' contract with CBS states the following: "Company (CBS Radio) acknowledges that Artist's (Imus') services to be rendered hereunder are of a unique, extraordinary, irreverent, intellectual, topical, controversial and personal character and that programs of the same general type and nature containing these components are desired by Company and are consistent with Company rules and policies."

The contract goes on to state that Imus could be fired for "just cause", which would include "on-air mention whatsoever by Artist (Imus) of Company's (CBS's) officers or directors. Such limitation shall not preclude references to members of station management, so long as such references are not overtly inflammatory or malicious."

The \$120 million in damages arise from the \$40 million Imus had remaining on a multi-year contract that began in 2006, in addition to \$80 million of "direct and indirect damages" from the drop-off of sales after his firing of products Imus endorsed that went to his charity.

Interestingly, Imus is not the first shock jock to sue instead of get sued. In 2003, Stern sued the producers of ABC's reality show "Are You Hot?" for \$100 million in damages for "unfair business practices," "unfair competition" and "unjust enrichment," among other charges.

In the lawsuit, which the parties settled for an undisclosed amount, Stern alleged that the show starring Lorenzo Lamas and Rachel Hunter was a rip-off of "The Evaluators," a bit on Stern's radio show involving judges who review a female contestant's physical attributes.

According to Stern, he was negotiating with a pay-cable channel to offer a televised version of "The Evaluators" when ABC aired 'Are You Hot?' In addition, one of the producers named in the suit was actually an executive producer of Stern's E! Entertainment Television series, and the show employed former Stern sidekick Jackie "The Jokeman" Martling as a consultant.

No matter what happens with Imus, it's a sure bet that another shock jock will come along shortly to resume stirring the pot.

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