

Fiction is Stranger Than Truth

By Reg P. Wydeven
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Every Sunday night I stare at the monitor of my laptop computer hoping the column that I am writing makes sense. I submit my article first thing Monday morning, and pray that it's interesting and mildly amusing.

I wish I had more time to dedicate to researching interesting legal topics. My job would be so much easier if I could just make up fascinating legal issues. Headlines like, "Bush Signs Law Repealing Income Tax," or "Wisconsin Legalizes Nude Beaches" would certainly grab readers' attention and be pretty fun to write, too.

But alas, just as Jayson Blair of 'The New York Times' discovered, concocting news is severely frowned upon. Blair resigned from the 'Times' after the paper discovered the reporter had inaccuracies in 36 of his 73 stories, including reports on the Washington D.C. area sniper and the homecoming of rescued prisoner of war Pfc. Jessica Lynch.

Apparently manufacturing facts and quotes, and having them frowned upon, is not limited to the press. Author James Frey was raked over the coals after acknowledging that major sections of his best-selling memoir 'A Million Little Pieces' were "fabricated".

To make matters worse, Frey ticked off the most powerful woman in the world - Oprah Winfrey. Oprah was so moved by Frey's 'revelations' about his rock star-like abuse of drugs and alcohol, and subsequent recovery, she included 'Pieces' in her wildly popular book club (which also pretty much guarantees the sale of about a million copies of an author's book). After the web site The Smoking Gun released a report that showed Frey embellished his life story, Oprah felt "duped" and had Frey back on her show to explain his actions.

Oprah wasn't the only reader that was furious with Frey for being duped. Many readers filed lawsuits against Frey and Random House, the book's publisher, claiming they were defrauded because the book was sold as a memoir instead of fiction. Frey and Random House have apparently come to an agreement over the resolution of these dozen lawsuits, which were consolidated by a Manhattan federal court judge.

'The New York Times' first reported that an agreement was reached (which the paper swears is true). Any readers who bought the book on or before January 26, 2006, will be eligible for a full refund. January 26 is significant because that was the day Frey and Random House disclosed the fact that Frey's book was not fact.

To receive the refund, the fiction victims must submit a receipt and a page or cover of the book or a piece of packaging proving the purchase of an audio book. They must also sign a sworn statement indicating they bought the book because they believed it was a memoir.

In addition to paying the refunds, Frey and Random House must pay the lawyers' fees for both sides and an unspecified donation to charity. Together, Frey and Random House are expected to pay out a total of \$2.35 million.

Finally, according to the terms of the settlement, neither Frey nor Random House has to admit to any wrongdoing.

So far, ten of the twelve plaintiffs have agreed to the deal, which also must be approved by a judge.

I guess with folks like Jayson Blair and James Frey, I should have no problem coming up with article ideas.

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