



DEFAMATION

What does it mean?

MY DOG
STEPPED ON A
BEE!



INTRODUCTION



It's safe to say that the Johnny Depp-Amber Heard case received worldwide attention as it was broadcast all over social media. It became almost like a tv series for the public, we couldn't get enough. Among all the talk about 'hearsay', Amber Heard's defence team, and let's not get started on her 'acting skills', one important question started to circulate, 'what does defamation mean?'



We will explain it all below, and the next time a defamation case catches the public's attention, hopefully you will understand more of the why behind the case rather than just the who.....

THE JOHNNY DEPP - AMBER HEARD CASE

For anyone who wasn't glued to their phone following this case, let's break it down for you...

The jury ruled in favour of actor Johnny Depp earlier this year in a defamation case he filed in response to an article from former wife Amber Heard.

The case is rooted in a 2018 article that Heard wrote, in which she called herself "a public figure representing domestic abuse".

Depp argued that Heard was alleging in the article that he had abused her during their marriage. That is what led to him sue her for defamation.

The jury at the Fairfax County Court in Virginia USA ruled in favour of Depp, finding that Heard had not only made false and defamatory statements, but that she had done so with "actual malice."

Johnny Depp was awarded \$10.35 million.



What is defamation?

Defamation is when someone makes a statement that a reasonable person would think damages your reputation.

To take a case for defamation, you must show that the statement you are complaining about was 'published' to at least one other person, not including yourself.

'Published' includes any type of communication, for example:

- Conversation with another person
- Comments made on social media
- Newspaper articles
- Blog posts
- Speeches



A statement is not defamatory if it is true or mostly true.

Even if the statement is untrue, it is only defamatory if it damages the reputation of the person making the complaint.

You can take legal action against a person or company who makes a 'defamatory statement' to another person about you.

The Defamation Act 2009 sets out the rules in Ireland around a legal action for defamation.

Exceptions

Certain statements may have the protection of 'absolute privilege.'

The statement can lose the privilege if it was made maliciously, or if the person later refuses to correct an inaccuracy.

This means that the person making the statement is protected from a claim of defamation.



For example, if you believed that your work colleague was not following health and safety requirements and causing some risk or danger, and you reported this to your employer's health and safety officer, the report may be privileged. This is only if you honestly believed that what you told the health and safety officer was true.



Our defamation legislation must protect the right to freedom of expression while also protecting our citizens' right to a good name and reputation. We must find a balance between those rights which are both protected by our Constitution and the European Convention on Human Rights.

The Coleen Rooney – Rebekah Vardy Defamation Case

It's..... Rebekah Vardy's account.

This was another case which sparked media and public interest.

In 2019, Coleen Rooney, the wife of soccer star Wayne Rooney, accused Rebekah Vardy, the wife of another soccer star, Jamie Vardy, of leaking stories about her to the tabloids.

Vardy denied the accusation and sued Rooney for defamation.

Coleen Rooney took to her social media to share that someone has been leaking stories about her and her family to the press. Rooney felt justified to share who did the leaking, writing, "It's..... Rebekah Vardy's account," an instantly iconic line.

In June 2020, Vardy filed a civil lawsuit for defamation, maintaining that she personally was not behind the leak.

In July, Justice Steyn ruled in favour of Coleen Rooney, saying that her allegation was "substantially true."

The aftermath for Vardy was a substantial legal bill and a reputation left in tatters after the judge's 75-page ruling described her evidence as "inconsistent", "evasive" and "implausible".

