

INDEX

ABSOLUTE PRIVILEGES

Privileges and Defenses (this index)

ABUSE OF QUALIFIED PRIVILEGES

Privileges and defenses, §§ 2:31-2:35

AGENCIES

Fair report and neutral reportage,
§ 3:6

AGENT OF PLAINTIFF

Prima facie case, § 1:23

ALL PURPOSE PUBLIC POSITION

Public status, § 5:6

AMBIGUOUS TERMINOLOGY

Constitutional actual malice, § 7:25

APPELLATE REVIEW

Constitutional issues, § 4:1

APPOINTEES

Public status, § 5:24

ARCHITECTS

Fact versus opinion, § 8:40

ARRESTS

Fair report and neutral reportage,
§ 3:8

ATTORNEYS

Fact versus opinion, § 8:33
Privileges and defenses, § 2:11

AUTHORS

Fact versus opinion, § 8:40
Public status, § 5:17

BARR V. MATTEO DOCTRINE

Privileges and defenses, §§ 2:13-2:15

BOOK PUBLISHER LIABILITY

Constitutional actual malice, § 7:11

BOOTSTRAPPING

Public status, § 5:9

BORK OPINION

Fact versus opinion, Ollman v.
Evans, § 8:4

BURDEN OF PROOF

Constitutional Issues (this index)

BUSINESSPERSONS AND BUSINESSES

Fact versus opinion, § 8:36
Prima facie case, imputations as to,
§§ 1:11, 1:15
Public status, § 5:19

CANDIDATES FOR PUBLIC OFFICE

Public status, § 5:3

CARTOONS

Fact versus opinion, § 8:45

CENTRAL FIGURE CRITERIA

Public status, § 5:12

CHURCHES AND CHURCH EMPLOYEES

Constitutional issues, disciplinary
proceedings, § 4:7
Public status, § 5:27

CLEAR AND CONVINCING EVIDENCE

Constitutional actual malice, § 7:5

COMMON INTEREST

Privileges and defenses, § 2:24

COMMON LAW

Constitutional actual malice
foreseeable republication rule,
§ 7:8
malice, § 7:3

COMPANY CREDIT UNIONS

Public status, § 5:23

CONSENT

Privileges and defenses, § 2:2

**CONSTITUTIONAL ACTUAL
MALICE**

Generally, §§ 7:1-7:25
Ambiguous terminology or words
capable of construction as fact
or opinion, § 7:25
Book publisher liability, § 7:11
Clear and convincing evidence, § 7:5
Common law foreseeable republica-
tion rule, § 7:8
Common law malice, § 7:3
Contradictory information, § 7:12
Correction, § 7:19
Delayed broadcast apparatus, § 7:20
Denial by plaintiff or plaintiff's
superior, § 7:17
Denials by the sources, § 7:16
Distorted accounts, §§ 7:13, 7:14
Distorted headlines as evidence of
actual malice, § 7:15
Evidence
clear and convincing, § 7:5
nature of the defamatory matter,
§ 7:24
Fabricated quotations, § 7:14
Failure to contact or allow review by
plaintiff, § 7:18
Fiction, § 7:25
Humor, § 7:25
Implication, § 7:25
Masson v. New Yorker Magazine,
§ 7:14
Neutral reportage, § 7:23
New York Times v. Sullivan, § 7:4

**CONSTITUTIONAL ACTUAL
MALICE—Cont'd**

Public person non-media defendant
cases, § 7:4
Rational interpretation rule, § 7:22
Retraction, § 7:19
Satire, § 7:25
Subjective standard, § 7:2
Summary judgment, § 7:6
Syndicated columnist, § 7:10
Temporal requirement, §§ 7:7, 7:8
Time, Inc. v. Pape, § 7:22
Vicarious liability, § 7:9
Wire service defense, § 7:21

CONSTITUTIONAL ISSUES

Appellate review of constitutional
facts, § 4:1
Burden of proof
fault and falsity, §§ 4:3, 4:4
status, § 4:2
Church disciplinary proceedings,
§ 4:7
Constitutional Actual Malice (this
index)
Court functions, § 4:2
Criminal libel, § 4:5
Fair report and neutral reportage,
§§ 3:16-3:20
Fault and falsity, §§ 4:3, 4:4
Jury functions, § 4:2
Labor disputes, § 4:8
Limits
generally, §§ 4:1-4:8
appellate review of constitutional
facts, § 4:1
burden of proof
fault and falsity, §§ 4:3, 4:4
status, § 4:2
church disciplinary proceedings,
§ 4:7
court functions, § 4:2
criminal libel, § 4:5
jury functions, § 4:2
labor disputes, § 4:8

INDEX

CONSTITUTIONAL ISSUES

—Cont'd

- Limits—Cont'd
 - personnel terminations, § 4:7
 - petition clause, § 4:6
 - preemption, § 4:8
 - private persons, § 4:4
 - procedural protections, § 4:1
 - public persons, § 4:3
 - Supreme Court jurisprudence, § 4:1
- Personnel terminations, § 4:7
- Petition clause, § 4:6
- Preemption, § 4:8
- Private persons, §§ 4:4, 6:2
- Procedural protections, § 4:1
- Public persons, § 4:3
- Remedies, limitations on punitive damages, § 9:7
- Supreme Court jurisprudence, § 4:1

CONTRACTORS

- Public status, § 5:22

CONTRADICTORY INFORMATION

- Constitutional actual malice, § 7:12

CONTROVERSY

- Public status, § 5:11
- Raging controversy condition, fair report and neutral reportage, § 3:31

CORPORATIONS

- Prima facie case, §§ 1:4, 1:5, 1:21
- Public status, § 5:18

CORRECTION

- Constitutional actual malice, § 7:19

COURSE OF CONDUCT CRITERIA

- Public status, § 5:12

COURT FUNCTIONS

- Constitutional issues, § 4:2

CRIME AND CRIMINALITY

- Constitutional issues, libel, § 4:5
- Fact versus opinion, imputations of, §§ 8:20, 8:27
- Prima facie case, imputations as to, §§ 1:10, 1:16
- Privileges and defenses, charges of criminality made to police, § 2:10

DEAD PERSONS

- Prima facie case, § 1:1

DEFENSES

- Privileges and Defenses (this index)

DELAYED BROADCAST APPARATUS

- Constitutional actual malice, § 7:20

DENIALS

- Constitutional actual malice
 - plaintiff or plaintiff's superior, § 7:17
 - sources, § 7:16

DISCRIMINATORY ANIMUS

- Fact versus opinion, imputations of, §§ 8:28-8:31

DISEASE

- Prima facie case, imputations as to, § 1:18

DISHONESTY

- Prima facie case, imputations as to, § 1:12

DISTORTIONS

- Constitutional actual malice
 - accounts, §§ 7:13, 7:14
 - headlines, evidence, § 7:15
- Fair report and neutral reportage, § 3:22

EDUCATORS AND EDUCATIONAL INSTITUTIONS

- Fact versus opinion, opinion-fact, § 8:35

EDWARD OPINION

Fact versus opinion, *Ollman v. Evans*, § 8:8

EMBELLISHMENTS

Fair report and neutral reportage, § 3:26

EMPLOYEES

Fact versus opinion, opinion-fact, § 8:38
Public status, § 5:24

ENTERTAINERS

Fact versus opinion, § 8:48
Public status, §§ 5:20, 5:21

EVIDENCE

Constitutional Actual Malice (this index)
Private persons, negligence cases, § 6:7

EXCESSIVE PUBLICATION

Privileges and defenses, § 2:35

EXECUTIVE OFFICERS

Fair report and neutral reportage, statements, § 3:7
Privileges and defenses, official immunity, § 2:14

FABRICATED QUOTATIONS

Constitutional actual malice, § 7:14

FACT VERSUS OPINION

Generally, §§ 8:1-8:48
Architects, opinion-fact, § 8:40
Attorneys, opinion-fact, § 8:33
Authors, opinion-fact, § 8:40
Bork opinion, *Ollman v. Evans*, § 8:4
Businesspersons and businesses, opinion-fact, § 8:36
Cartoons, opinion-fact, § 8:45
Criminality, imputations of, §§ 8:20, 8:27
Discriminatory animus, imputations of, opinion-fact, §§ 8:28-8:31

FACT VERSUS OPINION—Cont'd

Dissents from denial of certiorari, *Ollman v. Evans*, § 8:10
Educators and educational institutions, opinion-fact, § 8:35
Edward opinion, *Ollman v. Evans*, § 8:8
Employee cases, opinion-fact, § 8:38
Entertainers, opinion-fact, § 8:48
Honesty, aspersions on, § 8:22
Humor, opinion-fact, § 8:41
Incompetence, imputations of, §§ 8:21, 8:32
Insanity, imputations of, opinion-fact, §§ 8:28-8:31
Integrity, aspersions on, § 8:22
Irony, opinion-fact, § 8:41
Journalists, opinion-fact, § 8:40
Labor controversies, opinion-fact, § 8:43
Legal proceedings, opinion-fact, § 8:44
Mackinnon opinion, *Ollman v. Evans*, § 8:5
Medical service personnel, opinion-fact, § 8:34
Milkovich v. Lorain Journal Co. generally, §§ 8:11-8:23
analysis, §§ 8:14-8:23
criminality, imputations of, § 8:20
criterion for provability as factually false, § 8:19
factual implications, § 8:16
honesty, aspersions on, § 8:22
implications for existing law, §§ 8:17-8:23
incompetence, imputations of, § 8:21
integrity, aspersions on, § 8:22
interpretations, § 8:15
motivation, aspersions on, § 8:22
Ohio Supreme Court decisions, § 8:12
political arena doctrine, § 8:18
responses, § 8:15

INDEX

FACT VERSUS OPINION—Cont'd

- Milkovich v. Lorain Journal Co.
 - Cont'd
 - state constitutions, § 8:23
 - Supreme Court decisions, § 8:13
 - Supreme Court precedent, § 8:11
- Mixed opinion, § 8:2
- Motivation
 - aspersions on, § 8:22
 - impugning, opinion-fact, §§ 8:28-8:31
- Ohio Supreme Court decisions, § 8:12
- Ollman v. Evans, §§ 8:3-8:10
- Opinion-fact, illustrative categories, §§ 8:26-8:48
- Opinion rule, § 8:24
- Parents, opinion-fact, § 8:39
- Parody, opinion-fact, § 8:41
- Physicians, opinion-fact, § 8:34
- Political arena doctrine, § 8:18
- Prevarication, imputations of, opinion-fact, §§ 8:28-8:31
- Producers, opinion-fact, § 8:40
- Psychiatric disturbance, imputations of, opinion-fact, §§ 8:28-8:31
- Public and political arena, opinion-fact, § 8:26
- Publishers, opinion-fact, § 8:40
- Purely private arena, § 8:25
- Pure opinion, § 8:2
- Religion and religious figures, opinion-fact, § 8:46
- Republication and the opinion rule, § 8:24
- Restaurant reviews, opinion-fact, § 8:42
- Ridicule, opinion-fact, § 8:41
- Robinson opinion, Ollman v. Evans, § 8:6
- Satire, opinion-fact, § 8:41
- Scalia opinion, Ollman v. Evans, § 8:9
- Sports figures, opinion-fact, § 8:37

FACT VERSUS OPINION—Cont'd

- Starr opinion, Ollman v. Evans, § 8:3
- State constitutions, § 8:23
- Supreme Court decisions, § 8:13
- Supreme Court precedent, § 8:11
- Unethical behavior, imputations of, opinion-fact, § 8:32
- Unprofessionalism, imputations of, opinion-fact, § 8:32
- Verbal abuse, opinion-fact, § 8:47
- Wald opinion, Ollman v. Evans, § 8:7

FAIR REPORT AND NEUTRAL REPORTAGE

- Generally, §§ 3:1-3:33
- Agencies, § 3:6
- Arrests, § 3:8
- Constitutional issues, §§ 3:16-3:20
- Distorted reports, § 3:22
- Embellishments, § 3:26
- Executive officers, statements of, § 3:7
- Fault, § 3:19
- Foreign governmental reports, § 3:13
- Fragmentary reports, § 3:23
- Governmental reports and proceedings, non-local, § 3:14
- Guilt or culpability, unfair accounts implying, § 3:25
- Identification, § 3:30
- Inaccurate reportage, § 3:19
- Informal official reports, § 3:7
- Investigations, § 3:10
- Judicial proceedings, §§ 3:4-3:15
- Legislative proceedings, § 3:5
- Meetings of non-official bodies, § 3:11
- Misidentification, § 3:21
- Municipal corporations, § 3:6
- Neutrality requirement, § 3:32
- Neutral reportage doctrine, §§ 3:27-3:33
- New York Times v. Sullivan, §§ 3:27-3:33

**FAIR REPORT AND NEUTRAL
REPORTAGE—Cont'd**

- Non-privileged reports, §§ 3:21-3:26
- Non-public proceedings, actions and reports, § 3:12
- Nonverbatim reports, § 3:18
- Officers, §§ 3:6, 3:7
- Official proceedings, § 3:6
- Police records and reports, § 3:9
- Press conferences, § 3:7
- Privilege, §§ 3:15, 3:17
- Public person requirement, § 3:29
- Raging controversy condition, § 3:31
- Reliance on official sources and documents, § 3:20
- Reports, § 3:5
- Responsible source requirement, §§ 3:28-3:32
- Slanted and distorted reports, § 3:22
- Source attribution, §§ 3:3, 3:30
- Source reliance, § 3:2
- St. Amant v. Thomson, §§ 3:27-3:33
- Substantial inaccuracy requirement, § 3:24
- Unfair accounts implying guilt or culpability, § 3:25

FAMILY RELATIONSHIPS

- Privileges and defenses, § 2:27

FAULT AND FAULT STANDARDS

- Fair report and neutral reportage, § 3:19
- Private Persons** (this index)

FEDERAL OFFICIALS

- Privileges and defenses, §§ 2:13-2:15, 2:28

FICTION

- Constitutional actual malice, § 7:25
- Prima facie case, § 1:36

FIRST AMENDMENT

- Privileges and defenses, §§ 2:3, 2:4
- Remedies, §§ 9:4, 9:5

**FITNESS FOR OFFICE
REQUIREMENT**

- Public status, § 5:2

**FOREIGN GOVERNMENTAL
REPORTS**

- Fair report and neutral reportage, § 3:13

**FOREIGN POLITICAL FIGURES
AND OFFICIALS**

- Public status, § 5:26

FRAGMENTARY REPORTS

- Fair report and neutral reportage, § 3:23

**GENERAL PUBLIC FIGURE
POSITION**

- Public status, § 5:6

GERMANENESS

- Public status, § 5:13

GERTZ V. ROBERT WELCH, INC.

- Private persons, §§ 6:1, 6:2

GOVERNMENTAL MONEY

- Public status, recipients, § 5:22

**GOVERNMENT AND
GOVERNMENT ENTITIES**

- Fair report and neutral reportage, non-local reports and proceedings, § 3:14
- Prima facie case, § 1:35

**GROSS IRRESPONSIBILITY
STANDARD**

- Private persons, § 6:10

GROUP DEFAMATION

- prima Facie Case** (this index)

GUILT OR CULPABILITY

- Fair report and neutral reportage, implications, § 3:25

INDEX

HONESTY

Fact versus opinion, aspersions,
§ 8:22

HUMOR

Constitutional actual malice, § 7:25
Fact versus opinion, § 8:41

IDENTIFICATION

Fair report and neutral reportage,
§ 3:30

IMMORALITY

Prima facie case, imputations as to,
§ 1:13

IMPLICATION

Constitutional actual malice, § 7:25

INACCURATE REPORTAGE

Fair report and neutral reportage,
§ 3:19

INCOMPETENCE

Fact versus opinion, imputations,
§§ 8:21, 8:32

INFORMAL OFFICIAL REPORTS

Fair report and neutral reportage,
§ 3:7

INJUNCTIVE RELIEF

Remedies, § 9:9

INSANITY

Fact versus opinion, imputations of,
§§ 8:28-8:31
Privileges and defenses, § 2:21

INTEGRITY

Fact versus opinion, aspersions,
§ 8:22

INTERNET

Prima facie case, §§ 1:28, 1:29

INTERSPOUSAL PRIVILEGE

Privileges and defenses, § 2:20

INTRACORPORATE PUBLICATION

Prima facie case, § 1:21

INVESTIGATIONS

Fair report and neutral reportage,
§ 3:10
Public status, participants in
investigations, § 5:15

INVOLUNTARY PUBLIC FIGURED OM

Public status, § 5:8

IRONY

Fact versus opinion, opinion-fact,
§ 8:41

JOURNALISTS

Fact versus opinion, § 8:40
Private persons, malpractice, § 6:5
Public status, § 5:17

JUDGES

Bork opinion, Ollman v. Evans, § 8:4
Edward opinion, Ollman v. Evans,
§ 8:8
Mackinnon opinion, Ollman v.
Evans, § 8:5
Privileges and defenses, § 2:6
Robinson opinion, Ollman v. Evans,
§ 8:6
Scalia opinion, Ollman v. Evans,
§ 8:9
Starr opinion, Ollman v. Evans, § 8:3
Wald opinion, Ollman v. Evans,
§ 8:7

JUDICIAL PROCEEDINGS

Fair report and neutral reportage,
§§ 3:4-3:15
Privileges and defenses, §§ 2:5-2:12

JURY AND JURORS

Constitutional issues, § 4:2
Privileges and defenses, § 2:7

KNOWLEDGE OF FALSITY

Privileges and defenses, § 2:33

LABOR

Constitutional issues, disputes, § 4:8

Fact versus opinion, controversies,
§ 8:43

Public status, union officers, § 5:23

LARGE GROUP DEFAMATION

Prima facie case, § 1:31

LEGAL PROCEEDINGS

Fact versus opinion, § 8:44

Public status, participants in legal
proceedings, § 5:15

LEGISLATIVE IMMUNITY

Privileges and defenses, §§ 2:16,
2:17

LEGISLATIVE PROCEEDINGS

Fair report and neutral reportage,
§ 3:5

LIBEL

Prima Facie Case (this index)

Remedies, proof plaintiff doctrine,
§ 9:8

**LIMITED PURPOSE PUBLIC
FIGUREDOM**

Public Status (this index)

LIMITS

Constitutional Issues (this index)

MACKINNON OPINION

Fact versus opinion, Ollman v.
Evans, § 8:5

MALICE

Actual Malice (this index)

**MASSON V. NEW YORKER
MAGAZINE**

Constitutional actual malice, § 7:14

**MATTERS OF PURELY PRIVATE
CONCERN**

Private persons, § 6:11

MEDIA

Private persons, non-media-media
dichotomy, § 6:3

Public status, bootstrapping, § 5:9

Public status, media entities, § 5:17

MEDICAL SERVICE PERSONNEL

Fact versus opinion, § 8:34

**MEETINGS OF NON-OFFICIAL
BODIES**

Fair report and neutral reportage,
§ 3:11

**MILKOVICH V. LORAIN
JOURNAL CO.**

Fact Versus Opinion (this index)

MISIDENTIFICATION

Fair report and neutral reportage,
§ 3:21

MIXED OPINION

Fact versus opinion, § 8:2

MOTIVATION

Fact versus opinion, aspersions,
§ 8:22

Fact versus opinion, impugning,
§§ 8:28-8:31

MUNICIPAL CORPORATIONS

Fair report and neutral reportage,
§ 3:6

NAME CALLING

Prima facie case, § 1:19

NEGLIGENCE

Private persons, §§ 6:4, 6:6, 6:7

NEUTRALITY REQUIREMENT

Fair report and neutral reportage,
§ 3:32

INDEX

NEUTRAL REPORTAGE

Constitutional actual malice, § 7:23
Fair report and neutral reportage,
§§ 3:27-3:33

NEW YORK TIMES V. SULLIVAN

Constitutional actual malice, § 7:4
Fair report and neutral reportage,
§§ 3:27-3:33
Prima facie case, § 1:34

NEXUS

Privileges and defenses, § 2:15
Public status, § 5:13

NOMINAL

Remedies, § 9:1

NON-MEDIA-MEDIA DICHOTOMY

Private persons, § 6:3

NON-PRIVILEGED REPORTS

Fair report and neutral reportage,
§§ 3:21-3:26

NON-PROFIT MAKING CORPORATIONS

Prima facie case, § 1:5

NON-PUBLIC PROCEEDINGS

Fair report and neutral reportage,
§ 3:12

NON-VERBATIM REPORTS

Fair report and neutral reportage,
§ 3:18

OFFICE

Prima facie case, imputations as to,
§§ 1:11, 1:15

OFFICERS

Fair report and neutral reportage,
§§ 3:6, 3:7
Public status, labor unions, § 5:23

OFFICIAL CONDUCT REQUIREMENT

Public status, § 5:2

OFFICIAL PROCEEDINGS

Fair report and neutral reportage,
§ 3:6

OFFICIALS

Privileges and defenses, §§ 2:13-
2:15, 2:28

OHIO SUPREME COURT DECISIONS

Fact versus opinion, § 8:12

OLLMAN V. EVANS

Fact versus opinion, §§ 8:3-8:10

OPINION

Fact Versus Opinion (this index)

PARENTS

Fact versus opinion, § 8:39

PARODY

Fact versus opinion, § 8:41

PARTIES

Privileges and defenses, § 2:9

PARTNERSHIPS

Prima facie case, § 1:6

PERSONNEL TERMINATIONS

Constitutional issues, § 4:7

PETITION CLAUSE

Constitutional issues, § 4:6

PHYSICIANS

Fact versus opinion, § 8:34

POLICE RECORDS AND REPORTS

Fair report and neutral reportage,
§ 3:9

POLITICAL ARENA DOCTRINE

Fact versus opinion, § 8:18

POLITICAL PROCESS

Public status, non-candidate
participants, § 5:25

PREEMPTION

Constitutional issues, § 4:8

PREEXISTENCE REQUIREMENT

Public status, § 5:9

PRESS CONFERENCES

Fair report and neutral reportage,
§ 3:7

PRESUMED DAMAGES

Remedies, First Amendment, § 9:4

PREVARICATION

Fact versus opinion, imputations of,
§§ 8:28-8:31

PRIMA FACIE CASE

Generally, §§ 1:1-1:36

Agent of plaintiff, § 1:23

Business, imputations as to, §§ 1:11,
1:15

Corporations, §§ 1:4, 1:5, 1:21

Crime and criminality, imputations as
to, §§ 1:10, 1:16

Dead persons, § 1:1

Disease, imputations as to, § 1:18

Dishonesty, imputations as to, § 1:12

Failure to remove defamatory matter,
§ 1:24

Fiction, § 1:36

Government and government entities,
§ 1:35

Group defamation

generally, §§ 1:31-1:36

fiction, § 1:36

government and government enti-
ties, § 1:35

large group, § 1:31

less than all of a small group,
§ 1:33

New York Times v. Sullivan,
§ 1:34

“of and concerning,” § 1:36

small group, §§ 1:32, 1:33

Immorality, imputations as to, § 1:13

Internet, §§ 1:28, 1:29

PRIMA FACIE CASE—Cont’d

Intracorporate publication, § 1:21

Large group defamation, § 1:31

Libel

generally, §§ 1:10-1:14

business, imputations as to, § 1:11

criminality, imputations as to,
§ 1:10

dishonesty, imputations as to,
§ 1:12

immorality, imputations as to,
§ 1:13

office, imputations as to, § 1:11

profession, imputations as to,
§ 1:11

residual coverage, § 1:14

trade, imputations as to, § 1:11

untruthfulness, imputations as to,
§ 1:12

versus slander, § 1:8

Name calling, § 1:19

New York Times v. Sullivan, § 1:34

Non-profit making corporations,
§ 1:5

Non-relational nature of action, § 1:2

“Of and concerning”

colloquium, § 1:30

group defamation, § 1:36

Office, imputations as to, §§ 1:11,
1:15

Original publisher, subsequent
republications, § 1:27

Partnerships, § 1:6

Profession, imputations as to,
§§ 1:11, 1:15

Profit making corporations, § 1:4

Publication

generally, §§ 1:20-1:29

agent of plaintiff, § 1:23

corporations, § 1:21

failure to remove defamatory mat-
ter, § 1:24

internet, §§ 1:28, 1:29

intracorporate, § 1:21

INDEX

PRIMA FACIE CASE—Cont'd

Publication—Cont'd

original publisher, subsequent republications, § 1:27

republisher liability, § 1:26

retraction by internet libelers, § 1:29

secretary, § 1:22

self-publication, compelled, § 1:25

stenographer, § 1:22

typist, § 1:22

Republisher liability, § 1:26

Residual coverage, § 1:14

Retraction by internet libelers, § 1:29

Secretary, § 1:22

Self-publication, compelled, § 1:25

Sexual misconduct, § 1:17

Slander

generally, §§ 1:15-1:18

business, imputations as to, § 1:15

crime, imputations as to, § 1:16

disease, imputations as to, § 1:18

office, imputations as to, § 1:15

profession, imputations as to, § 1:15

sexual misconduct, § 1:17

trade, imputations as to, § 1:15

versus libel, § 1:8

Small group, § 1:33

Stenographer, § 1:22

Survival of actions, § 1:3

Trade, imputations as to, §§ 1:11, 1:15

Typist, § 1:22

Unincorporated associations, § 1:6

Untruthfulness, imputations as to, § 1:12

What is defamatory, §§ 1:7-1:9

Who may sue, §§ 1:1-1:6

PRIVATE PERSONS

Constitutional issues, §§ 4:4, 6:2

Evidence required in negligence cases, § 6:7

PRIVATE PERSONS—Cont'd

Fault standards

constitutional requirements, § 6:2

evidence required in negligence cases, § 6:7

Gertz v. Robert Welch, Inc., §§ 6:1, 6:2

gross irresponsibility standard, § 6:10

journalistic malpractice, § 6:5

matters of purely private concern, § 6:11

negligence, §§ 6:4, 6:6, 6:7

non-media-media dichotomy, § 6:3

Rosenbloom v. Metromedia, Inc., §§ 6:1, 6:9

wire service defense, § 6:8

Gertz v. Robert Welch, Inc., §§ 6:1, 6:2

Gross irresponsibility standard, § 6:10

Journalistic malpractice, § 6:5

Matters of purely private concern, § 6:11

Media, non-media-media dichotomy, § 6:3

Negligence, §§ 6:4, 6:6, 6:7

Non-media-media dichotomy, § 6:3

Rosenbloom v. Metromedia, Inc., §§ 6:1, 6:9

Wire service defense, § 6:8

PRIVILEGES AND DEFENSES

Generally, §§ 2:1-2:35

Absence of reasonable grounds for belief in truth, § 2:33

Absolute privileges

generally, §§ 2:2-2:22

attorneys, § 2:11

Barr v. Matteo doctrine, §§ 2:13-2:15

communications required by law, § 2:18

consent, § 2:2

PRIVILEGES AND DEFENSES

—Cont'd

Absolute privileges—Cont'd
 criminality, charges of made to
 police, § 2:10
 executive official immunity, § 2:14
 federal officials, §§ 2:13-2:15
 First Amendment, §§ 2:3, 2:4
 insanity, § 2:21
 interspousal privilege, § 2:20
 judges, § 2:6
 judicial proceedings, §§ 2:5-2:12
 jurors, § 2:7
 legislative immunity, §§ 2:16, 2:17
 nexus requirement, § 2:15
 officials, state and federal, §§ 2:13-
 2:15
 parties, § 2:9
 spouses, § 2:20
 state officials, §§ 2:13-2:15
 survival statutes, § 2:22
 testimonial privilege, § 2:17
 truth, §§ 2:3, 2:4
 United States sovereign immunity,
 § 2:19
 unprivileged under the absolute
 judicial proceedings
 immunity, § 2:12
 witnesses, §§ 2:8, 2:17
 Abuse of qualified privileges,
 §§ 2:31-2:35
 Attorneys, § 2:11
 Barr v. Matteo doctrine, §§ 2:13-2:15
 Common interest, § 2:24
 Communications required by law,
 § 2:18
 Consent, § 2:2
 Criminality, charges of made to
 police, § 2:10
 Defendants providing means of pub-
 lication, § 2:29
 Excessive publication, § 2:35
 Executive official immunity, § 2:14

PRIVILEGES AND DEFENSES

—Cont'd

Fair report and neutral reportage,
 §§ 3:15, 3:17
 Family relationships, § 2:27
 Federal officials, §§ 2:13-2:15, 2:28
 First Amendment, §§ 2:3, 2:4
 Improper motive or purpose, § 2:32
 Insanity, § 2:21
 Interspousal privilege, § 2:20
 Judges, § 2:6
 Judicial proceedings, §§ 2:5-2:12
 Jurors, § 2:7
 Knowledge of falsity, § 2:33
 Legislative immunity, §§ 2:16, 2:17
 Nexus requirement, § 2:15
 Officials, state and federal, §§ 2:13-
 2:15, 2:28
 Parties, § 2:9
 Public interest, protection of person
 acting in, § 2:26
 Publisher's interest, § 2:23
 Qualified privileges
 Generally, §§ 2:23-2:35
 absence of reasonable grounds for
 belief in truth, § 2:33
 common interest, § 2:24
 defendants providing means of
 publication, § 2:29
 excessive publication, § 2:35
 family relationships, § 2:27
 federal officials, § 2:28
 improper motive or purpose,
 § 2:32
 knowledge of falsity, § 2:33
 officials, state and federal, § 2:28
 public interest, protection of
 person acting in, § 2:26
 publisher's interest, § 2:23
 recipient, protection of, § 2:25
 reckless disregard for truth, § 2:33
 rumor, publication of defamatory,
 § 2:30
 state officials, § 2:28

INDEX

PRIVILEGES AND DEFENSES

—Cont'd

- Qualified privileges—Cont'd
 - third person, protection of, § 2:25
 - unnecessary to implement privilege, § 2:35
- Recipient, protection of, § 2:25
- Reckless disregard for truth, § 2:33
- Rumor, publication of defamatory, § 2:30
- Spouses, § 2:20
- State officials, §§ 2:13-2:15, 2:28
- Survival statutes, § 2:22
- Testimonial privilege, § 2:17
- Third person, protection of, § 2:25
- Truth, §§ 2:3, 2:4
- United States sovereign immunity, § 2:19
- Unnecessary to implement privilege, § 2:35
- Unprivileged under the absolute judicial proceedings immunity, § 2:12
- Witnesses, §§ 2:8, 2:17

PROCEDURAL PROTECTIONS

- Constitutional issues, § 4:1

PRODUCERS

- Fact versus opinion, opinion-fact, § 8:40

PROFESSION AND PROFESSIONALS

- Prima facie case, imputations as to, §§ 1:11, 1:15
- Public status, § 5:16

PROFIT MAKING CORPORATIONS

- Prima facie case, § 1:4

PSYCHIATRIC DISTURBANCE

- Fact versus opinion, §§ 8:28-8:31

PUBLIC AND POLITICAL ARENA

- Fact versus opinion, § 8:26

PUBLICATION

- Prima Facie Case (this index)

PUBLIC INTEREST

- Privileges and defenses, § 2:26

PUBLIC STATUS

- Generally, §§ 5:1-5:27
- All purpose public position, § 5:6
- Appointees, § 5:24
- Authors, § 5:17
- Bootstrapping, § 5:9
- Businesspersons, § 5:19
- Candidates for public office, § 5:3
- Categories of public figures, §§ 5:15-5:27
- Central figure criteria, § 5:12
- Churches and church employees, § 5:27
- Company credit unions, § 5:23
- Constitutional actual malice, non-media defendant cases, § 7:4
- Constitutional issues, § 4:3
- Contractors, § 5:22
- Controversy, §§ 5:11, 5:13
- Corporations, § 5:18
- Course of conduct criteria, § 5:12
- Definition, § 5:1
- Employees and appointees, § 5:24
- Entertainers, §§ 5:20, 5:21
- Fair report and neutral reportage, § 3:29
- Fitness for office requirement, § 5:2
- Foreign political figures and officials, § 5:26
- General public figure position, § 5:6
- Germaneness, § 5:13
- Governmental money, recipients, § 5:22
- Investigations, participants in, § 5:15
- Involuntary public figuredom, § 5:8
- Journalists, § 5:17
- Labor union officers, § 5:23
- Legal proceedings, participants in, § 5:15

PUBLIC STATUS—Cont'd

- Limited purpose public figuredom.
Vortex, below
- Media bootstrapping, § 5:9
- Media entities, § 5:17
- Nexus, § 5:13
- Non-identification of plaintiff's public position, § 5:5
- Officers of labor unions, § 5:23
- Official conduct requirement, § 5:2
- Political process, non-candidate participants, § 5:25
- Preexistence requirement, § 5:9
- Professionals, § 5:16
- Rebuttal or response, § 5:10
- Religious figures, § 5:27
- Rosanova course of conduct criteria, § 5:12
- Sports figures, § 5:20
- Supreme Court, § 5:7
- Time passage, §§ 5:4, 5:14
- Vortex
 - Generally, §§ 5:9-5:13
 - bootstrapping, § 5:9
 - central figure criteria, § 5:12
 - course of conduct criteria, § 5:12
 - germaneness, § 5:13
 - media bootstrapping, § 5:9
 - nexus, § 5:13
 - preexistence requirement, § 5:9
 - public controversy, §§ 5:11, 5:13
 - rebuttal or response, § 5:10
 - Rosanova course of conduct criteria, § 5:12
 - Waldbaum central figure criteria, § 5:12
- Waldbaum central figure criteria, § 5:12

PUBLISHERS

- Fact versus opinion, § 8:40
- Privileges and defenses, interest of publisher, § 2:23

PUNITIVE DAMAGES

- Remedies, First Amendment, §§ 9:5-9:7

PURELY PRIVATE ARENA

- Fact versus opinion, § 8:25

QUALIFIED PRIVILEGES

- Privileges and Defenses (this index)

QUOTATIONS

- Constitutional actual malice, fabricated quotations, § 7:14

**RAGING CONTROVERSY
CONDITION**

- Fair report and neutral reportage, § 3:31

**RATIONAL INTERPRETATION
RULE**

- Constitutional actual malice, § 7:22

REBUTTAL OR RESPONSE

- Public status, § 5:10

**RECKLESS DISREGARD FOR
TRUTH**

- Privileges and defenses, § 2:33

RELIANCE

- Fair report and neutral reportage, official sources and documents, § 3:20

**RELIGION AND RELIGIOUS
FIGURES**

- Fact versus opinion, § 8:46
- Public status, § 5:27

REMEDIES

- Generally, §§ 9:1-9:10
- Constitutional limitations on punitive damages, § 9:7
- Damages
 - generally, §§ 9:1-9:7
 - constitutional limitations on punitive damages, § 9:7
 - First Amendment, §§ 9:4, 9:5

INDEX

REMEDIES—Cont'd

- Damages—Cont'd
 - general, § 9:2
 - nominal, § 9:1
 - presumed damages and the First Amendment, § 9:4
 - punitive damages and the First Amendment, §§ 9:5-9:7
 - special, § 9:3
 - states and punitive damages, § 9:6
- First Amendment, §§ 9:4, 9:5
- Injunctive relief, § 9:9
- Libel proof plaintiff doctrine, § 9:8
- Nominal, § 9:1
- Presumed damages and the First Amendment, § 9:4
- Punitive damages and the First Amendment, §§ 9:5-9:7
- Reply and retraction, mandatory right of, § 9:10
- Special damages, § 9:3
- States and punitive damages, § 9:6

REPLY AND RETRACTION

- Remedies, § 9:10

REPUBLICATION

- Fact versus opinion, opinion rule, § 8:24

REPUBLISHER LIABILITY

- Prima facie case, § 1:26

RESIDUAL COVERAGE

- Prima facie case, § 1:14

RESPONSIBLE SOURCE REQUIREMENT

- Fair report and neutral reportage, §§ 3:28-3:32

RESTAURANT REVIEWS

- Fact versus opinion, § 8:42

RETRACTION

- Constitutional actual malice, § 7:19
- Prima facie case, internet libelers, § 1:29

RETRACTION—Cont'd

- Remedies, § 9:10

RIDICULE

- Fact versus opinion, opinion-fact, § 8:41

ROBINSON OPINION

- Fact versus opinion, Ollman v. Evans, § 8:6

ROSANOVA COURSE OF CONDUCT CRITERIA

- Public status, § 5:12

ROSENBLOOM V. METROMEDIA, INC.

- Private persons, §§ 6:1, 6:9

RUMOR

- Privileges and defenses, publication of defamatory rumor, § 2:30

SATIRE

- Constitutional actual malice, § 7:25
- Fact versus opinion, opinion-fact, § 8:41

SCALIA OPINION

- Fact versus opinion, Ollman v. Evans, § 8:9

SECRETARY

- Prima facie case, § 1:22

SELF-PUBLICATION

- Prima facie case, § 1:25

SEXUAL MISCONDUCT

- Prima facie case, § 1:17

SLANDER

- Prima Facie Case** (this index)

SLANTED AND DISTORTED REPORTS

- Fair report and neutral reportage, § 3:22

SOURCE

Fair report and neutral reportage, attribution, §§ 3:3, 3:30
Fair report and neutral reportage, reliance, § 3:2

SPECIAL DAMAGES

Remedies, § 9:3

SPORTS FIGURES

Fact versus opinion, § 8:37

SPOUSES

Privileges and defenses, § 2:20

ST. AMANT V. THOMSON

Fair report and neutral reportage, §§ 3:27-3:33

STARR OPINION

Fact versus opinion, Ollman v. Evans, § 8:3

STATES

Fact versus opinion, state constitutions, § 8:23
Privileges and defenses, officials, §§ 2:13-2:15, 2:28
Remedies, punitive damages, § 9:6

STENOGRAPHER

Prima facie case, § 1:22

SUBJECTIVE STANDARD

Constitutional actual malice, § 7:2

SUBSTANTIAL INACCURACY REQUIREMENT

Fair report and neutral reportage, § 3:24

SUMMARY JUDGMENT

Constitutional actual malice, § 7:6

SUPREME COURT

Constitutional issues, jurisprudence, § 4:1
Fact versus opinion decisions, § 8:13
precedent, § 8:11

SUPREME COURT—Cont'd

Public status, § 5:7

SURVIVAL OF ACTIONS

Prima facie case, § 1:3

SURVIVAL STATUTES

Privileges and defenses, § 2:22

SYNDICATED COLUMNIST

Constitutional actual malice, § 7:10

TEMPORAL REQUIREMENT

Constitutional actual malice, §§ 7:7, 7:8

TESTIMONIAL PRIVILEGE

Privileges and defenses, § 2:17

THIRD PERSON

Privileges and defenses, protection of, § 2:25

TIME, INC. V. PAPE

Constitutional actual malice, § 7:22

TIME PASSAGE

Public status, §§ 5:4, 5:14

TRADE

Prima facie case, imputations as to, §§ 1:11, 1:15

TRUTH

Privileges and defenses, §§ 2:3, 2:4

TYPIST

Prima facie case, § 1:22

UNETHICAL BEHAVIOR

Fact versus opinion, imputations, § 8:32

UNFAIR ACCOUNTS

Fair report and neutral reportage, guilt or culpability, § 3:25

UNINCORPORATED ASSOCIATIONS

Prima facie case, § 1:6

INDEX

UNITED STATES SOVEREIGN IMMUNITY

Privileges and defenses, § 2:19

UNPROFESSIONALISM

Fact versus opinion, imputations,
§ 8:32

UNTRUTHFULNESS

Prima facie case, imputations as to,
§ 1:12

VERBAL ABUSE

Fact versus opinion, § 8:47

VICARIOUS LIABILITY

Constitutional actual malice, § 7:9

VORTEX

Public Status (this index)

WALDBAUM CENTRAL FIGURE CRITERIA

Public status, § 5:12

WALD OPINION

Fact versus opinion, Ollman v.
Evans, § 8:7

WIRE SERVICE DEFENSE

Constitutional actual malice, § 7:21
Private persons, § 6:8

WITNESSES

Privileges and defenses, §§ 2:8, 2:17