

Index

ABSOLUTE IMMUNITY

- Confidential source, § 12:61
- Executive and Administrative Officials (this index)
- Legislative Proceedings (this index)
- Public officials, criticism of, § 2:112 to 2:115

ABSOLUTE PRIVILEGES

- Generally, § 8:2
- Conditional privileges compared, § 8:39
- Consent, § 8:4
- Government agencies, reports to, § 8:36.50, 8:37
- Judicial Proceedings (this index)
- Publication required by law, § 8:36
- Reports to government agencies, § 8:36.50, 8:37
- Sovereign immunity, § 8:37
- Spouses, § 8:35
- Workplace, fault considerations, § 15:29

ABSOLUTISTS

- Public figures, § 2:7

ABUSE

- Meaning as defamatory, § 4:7 to 4:10

ABUSE OF PRIVILEGE

- Generally, § 8:60 et seq.
- Actual malice, § 8:65
- Common law (ill-will) malice, § 8:63
- Excessive publication, § 8:61
- Ill-will, § 8:63
- Knowledge of falsity, § 8:65
- Malice, § 8:63
- Negligence, § 8:64
- Publication, § 8:61 to 8:63
- Recklessness, § 8:65

ABUSIVE FORUM SHOPPING

- Conflict of laws, § 12:28, 12:29

ABUSIVE LANGUAGE

- Opinion and fair comment, § 6:90

ACADEMIC AND SCIENTIFIC DISPUTES

- Opinion and fair comment, § 6:67.60

ACCEPTANCE

- Public figures, voluntary participation vs. voluntary acceptance of media attention, § 2:32

ACCESS

- Counterspeech, § 2:37
- Media rationale, § 2:13
- Public officials, policy-making authority and access to press, § 2:108
- Public records, publication of private facts, § 10:46

ACCIDENTAL REFERENCE

- Identity, § 4:42

ACCURACY AND FAIRNESS

- Fair report privilege, § 8:75 to 8:77

ACTUAL DAMAGES

- Generally, § 9:22 et seq.
- Actual harm to reputation, proof of generally, § 9:30 et seq.
- destruction of favorable public image, § 9:33
- interference with existing relations, § 9:31
- interference with future relations, § 9:32
- negative public image, § 9:34
- Back door, presumed harm through, § 9:29
- Common law, § 9:26
- Constitutional law, § 9:23
- Decisions restricting the award, § 9:25
- Destruction of favorable public image, § 9:33
- Emotional distress as free-standing component, § 9:27 to 9:29
- Evidence. Actual harm to reputation, proof of, above
- Favorable public image, destruction of, § 9:33

ACTUAL DAMAGES—Cont'd

Firestone case, § 9:28
 Interference with existing relations, § 9:31
 Interference with future relations, § 9:32
 Negative public image, § 9:34
 Presumed harm through back door, § 9:29
 Public image, § 9:33, 9:34
 Punitive damages, § 9:49
 Reasonable proportionality to actual damages, § 9:49
 Social media, § 9:34.50
 Two subdivisions, § 9:24

ACTUAL HARM

Generally, § 7:33
 Actual Damages (this index)
 Punitive damages, § 9:48
 Special harm, § 7:2, 7:3, 7:5

ACTUAL MALICE

Abuse of privilege, § 8:65
 Anonymous sources, § 3:62
 "As told by" books, § 3:87.50
 Authors, information supplied by, § 3:61
 Butts and Walker elaborations, § 3:39
 Carol Burnett litigation, § 3:63
 Cautionary note, § 3:73
 Choice of facts and resolution of inferences or ambiguities, § 3:69
 Clint Eastwood litigation, § 3:65
 Common law malice. Common Law (this index)
 Constitutional law, § 3:3, 3:6, 3:46
 Cumulative impact, § 3:45
 Deadline pressures, § 3:75 to 3:77
 Doubt within media organization, § 3:72
 Early Supreme Court statements, § 3:38
 Editing. Reporting and editing process, below
 Editorial point of view, § 3:67
 Fabricated "first-hand" allegations, § 3:45.50
 Fabricated interviews: Clint Eastwood litigation, § 3:65
 Fault, generally, § 3:42 et seq.
 Follow-up stories, § 3:85
 Free-lance writers, information supplied by, § 3:61
 "Ghost writers," § 3:87.50
 Government defendants, § 3:6

ACTUAL MALICE—Cont'd

Harte-Hanks Communications, Inc. v. Connaughton, § 3:54
 Hostile investigation and questioning, § 3:86
 Hot news vs. time to investigate, § 3:76
 Internal files, failure to check, § 3:50
 Journalistic initiative, lack of, § 3:49
 Journalistic practices, deviations from standard, § 3:66.50
 Knowledge of source's possible bias, § 3:59
 Letters to editor, § 3:87
 Live broadcasts, § 3:77
 Masson dicta: suggestions for new terminology, § 3:41
 Memory as faulty, § 3:83
 Misleading sequencing of events in story, § 3:74
 Misuse of language or legal terminology, § 3:84
 Objective evidence, § 3:42 to 3:45, 3:45.50
 Obvious sources, failure to check generally, § 3:51 et seq.
 Harte-Hanks Communications, Inc. v. Connaughton, § 3:54
 publications known for reliability, fact-checking by, § 3:56
 Sharon v. Time, Inc., § 3:53
 verification impractical, § 3:55
 Point of view, editorial, § 3:67
 Preconceived story lines, § 3:71
 Presumed damages, § 9:19
 Publications
 see also more specific entries throughout this heading
 "as told by" books, § 3:87.50
 determination of actual malice at time of, § 3:79
 fact-checking by publications known for reliability, § 3:56
 Rebuttal, § 3:64, 3:81
 Reckless reliance: Carol Burnett litigation, § 3:63
 Reporting and editing process
 generally, § 3:66 et seq.
 balance, lack of, § 3:68
 cautionary note, § 3:73
 choice of facts and resolution of inferences or ambiguities, § 3:69

INDEX

ACTUAL MALICE—Cont'd

- Reporting and editing process—Cont'd
 - doubt within media organization, § 3:72
 - editorial point of view, § 3:67
 - journalistic practices, deviations from standard, § 3:66.50
 - misleading sequencing of events in story, § 3:74
 - point of view, editorial, § 3:67
 - preconceived story lines, § 3:71
 - Westmoreland v. CBS, § 3:70
- Retractions and follow-up stories, § 3:85
- Retractions
 - generally, § 3:78 et seq.
 - failure to, § 3:80
 - publication, determination of actual malice at time of, § 3:79
 - rebuttal of actual malice, § 3:81
- Secondary sources, reliance on, § 3:60
- Sharon v. Time, Inc., § 3:53
- Sources and tips, reliance on
 - generally, § 3:57 et seq.
 - anonymous sources, § 3:62
 - authors, information supplied by, § 3:61
 - Carol Burnett litigation, § 3:63
 - Clint Eastwood litigation, § 3:65
 - fabricated interviews: Clint Eastwood litigation, § 3:65
 - free-lance writers, information supplied by, § 3:61
 - knowledge of source's possible bias, § 3:59
 - rebuttal of evidence, careful fact-checking as, § 3:64
 - reckless reliance: Carol Burnett litigation, § 3:63
 - secondary sources, reliance on, § 3:60
 - wire services, information supplied by, § 3:61
- St. Amant v. Thompson, § 3:40
- Standard as subjective, § 3:42.50, 3:43
 - institutional entity, defendant, § 3:42.50
- State of mind, § 3:44
- States adopting actual malice in private figure cases, § 3:31
- Subjective standard, § 3:45.50
- Summary judgment, § 12:75

ACTUAL MALICE—Cont'd

- Supreme Court's actual malice test, generally, § 3:37 et seq.
- Verification impractical, § 3:55
- Westmoreland v. CBS, § 3:70
- Wire services, information supplied by, § 3:61
- Workplace, fault considerations, § 15:31

ADMINISTRATIVE OFFICIALS

- Executive and Administrative Officials (this index)

ADMINISTRATIVE PERSONNEL

- Generally, § 2:106

ADMINISTRATIVE PROCEEDINGS

- Fair report privilege, § 8:74

ADVERTISING AND SOLICITATION EFFORTS

- False political advertising, § 4:102
- In personam jurisdiction, § 12:22

ADVISORS

- Generally, § 2:86

AGGRAVATION OF DAMAGES

- Damages (this index)

AIDES AND ASSISTANTS

- Legislative proceedings, participants in, § 8:21

AIDING AND ABETTING CRIMINAL ACTIVITY

- Generally, § 11:52 et seq.
- Hit Man litigation, § 11:53 to 11:55
- Internet postings, § 11:58
- Jenny Jones case, § 11:57
- Natural born killers litigation, § 11:56
- Rice v. Palladin Press, § 11:55
- "Surprise television," § 11:57
- Violent films, § 11:56

AIDS AND OUTING

- Newsworthiness privilege, § 10:54

ALLEGATIONS

- Criminal activity, § 6:89
- Denial of wrongdoing, implying accuser is lying, § 6:89.50
- Literary and artistic criticism, § 6:79
- Lying, denial of wrongdoing, implying accuser is, § 6:89.50
- Slander per se, § 7:14 to 7:16

ALL PURPOSE PUBLIC FIGURES

- Generally, § 2:77 et seq.
- Advisors, § 2:86
- Associated with criminal activity, § 2:90
- Attorneys, § 2:89
- Business and community leaders, § 2:85
- Candidates, political candidates, § 2:82
- Columnists, § 2:87
- Community leaders, § 2:85
- Confidants, § 2:86
- Consumer activities, § 2:84
- Corporations, major, § 2:85
- Criminal activity, persons associated with, § 2:90
- Critics, and columnists, § 2:87
- Definition, § 2:77 to 2:79
- Entertainers and other personalities, § 2:83
- Involuntary vortex public figure, § 2:36
- Limited public figures distinguished, § 2:57
- Local, extent of publication, § 2:52
- Major corporations, § 2:85
- Media outlets, § 2:91
- Persons associated with criminal activity, § 2:90
- Political activities, § 2:84
- Political candidates, § 2:82
- Political confidants and advisors, § 2:86
- Publishers and major media outlets, § 2:91
- Religious figures and organizations, § 2:88
- Social activities, § 2:84
- Writers, critics, and columnists, § 2:87

ALTERATION

- Material and substantive, existing internet article, liability for, § 4:93.70

AMBIGUITIES

- Choice of facts and resolution of inferences or ambiguities, § 3:69
- False light invasion of privacy, § 10:15

AMBUSH INTERVIEW TECHNIQUES

- Generally, § 10:36
- Media “ride-alongs,” § 10:36.50

AMERICAN ARBITRATION ASSOCIATION

- Iowa project, § 9:104

ANNENBERG LIBEL REFORM PROPOSAL

- Generally, § 9:94 to 9:97

ANONYMOUS DEFENDANTS

- Identifying defendants’ identities in anonymous Internet defamation cases, § 12:24.60

ANONYMOUS SOURCES

- Fault, reliance on sources and tips, § 3:62
- Internet, § 4:86.50

ANTIPAPARAZZI LEGISLATION

- Invasion of privacy, § 10:58

ANTI-SLAPP LEGISLATION

- Damages, strategic lawsuit against public participation, § 9:107
- Pleading considerations, issues, § 12:51.50

APPEAL AND REVIEW

- Generally, § 12:83 to 12:86
- Bose v. Consumers Union, § 12:84, 12:85
- Damages, § 9:67 to 9:69
- Independent judicial review, § 12:83 to 12:86
- Literary and artistic criticism, § 6:80 et seq.
- Preliminary facts vs. ultimate facts, § 12:86
- Ultimate facts vs. preliminary facts, § 12:86

APPROPRIATION

- Invasion of Privacy (this index)

ARBITRATION

- Iowa Project (this index)

ARRESTS

- Fair report privilege, § 8:72

ARTISTIC CRITICISM

- Opinion and Fair Comment (this index)

ARTISTIC JUDGMENT

- Attorneys, § 13:6

INDEX

ARTISTS

Limited public figures, § 2:66

“AS A WHOLE”

Opinion and fair comment, factual statements embedded in opinion, § 6:41.50

ASSIGNABILITY AND DESCENDABILITY

Invasion of privacy, § 10:6.50

ASSOCIATION

All purpose public figures, persons associated with criminal activity, § 2:90

False light invasion of privacy, false association, § 10:18

ASSUMPTION OF RISK RATIONALE

Public figures, voluntary participation vs. voluntary acceptance of media attention, § 2:14

“AS TOLD BY” BOOKS

Actual malice, § 3:87.50

ATTENTION

Voluntary participation vs. voluntary acceptance of media attention, § 2:32

ATTORNEYS

Generally, § 13:1 et seq.

All purpose public figures, § 2:89

Artistic judgment vs. legal advice, § 13:6

Budget reports, § 13:10

Common law privileges, § 8:8

Cost reduction in litigation generally, § 13:8 et seq.

budget reports, § 13:10

discovery, holding back on aggressive early discovery, § 13:12

periodic strategy assessments, § 13:11

sharing and cross-fertilization of legal research, § 13:13

Costs, § 13:3

Defense, § 13:3

Disclosures, advantages of prudent disclosures, § 13:22

Discovery, holding back on aggressive early discovery, § 13:12

Fees and public relations expenses spent to mitigate, § 9:53.50

ATTORNEYS—Cont’d

Free speech, § 13:4

High costs of defense, media litigation, § 13:3

Invasion of privacy suits, § 13:21

Journalistic or artistic judgment vs. legal advice, § 13:6

Legal advice vs. journalistic or artistic judgment, § 13:6

Legal research, § 13:13

Limited public figures, § 2:73

Media clients, § 13:1

Media litigation, § 13:2 to 13:4

Opinion and fair comment, § 6:67

Periodic strategy assessments, § 13:11

Plaintiff’s counsel, generally, § 13:17 et seq.

Preventative counseling, § 13:5 to 13:7

Regular counsel, special role of, § 13:7

Sharing and cross-fertilization of legal research, § 13:13

Skeletons in closet, § 13:19, 13:20

Substantial truth, § 13:20

ATTRIBUTION

Fair report privilege, requirement, § 8:67.50

AUDIO

Protest activity involving surveillance and video or photographs, § 10:39.75

Publication of private facts, § 10:39.50

AUSTRALIAN GUTNICK LITIGATION

Conflict of laws, § 12:41.50

AUSTRALIAN LAW

Generally, § 1:9.80

AUTHORS

Sources and tips, reliance on, § 3:61

Treating authors separately from publishers, litigation, § 12:20.50

AUTOPSY PHOTOGRAPHS

Invasion of privacy, § 10:54.50

AVATARS

Invasion of privacy, video games based on real people, § 10:6.40

BACK DOOR

Actual damages, § 9:29

BAD ACTS

Damages, § 9:60

BAD FAITH

Damages, § 9:64

BAD REPUTATION

Damages, § 9:59

BALANCE, LACK OF

Reporting and editing process, § 3:68

BALANCING TEST

Confidential source, § 12:59

BANTER

Talk shows, § 6:92

BARNTICKI v. VOPPER

Invasion of privacy, illegally intercepted
electronic material, § 10:56.50,
10:56.70

BELIEF

Republication, expressions of disbelief,
§ 4:88

BETTER RULE APPROACH

Conflict of laws, § 12:36

BIAS

Knowledge of source's possible bias,
§ 3:59

Summary judgment, § 12:74

BLACK, JUSTICE, OPINION

Public figures, voluntary participation
vs. voluntary acceptance of media
attention, § 2:7

BOOTSTRAP PROBLEM

Public figures, voluntary participation
vs. voluntary acceptance of media
attention, § 2:25

BOSE v. CONSUMERS UNION

Appeal and review, § 12:84, 12:85

BOX SCORE

Public figures, voluntary participation
vs. voluntary acceptance of media
attention, § 2:8

BRANZBURG

Confidential source, lower court
interpretations, § 12:58

BRESLER CASE

Opinion and fair comment, § 6:13

BRITISH LIBEL LAW

Cause of action, § 1:9

Potential changes in Britain, § 1:9.50

BROADCASTS

False light invasion of privacy, § 10:21

Meaning as defamatory, § 4:32

**BROADER ENLIGHTENMENT
FUNCTION**

Freedom of speech, § 1:32

BROADER SOCIAL CONTEXT

Totality of circumstances approach,
§ 6:55

BUDGET REPORTS

Attorneys, cost reduction in litigation,
§ 13:10

BURDEN OF PROOF

Malice and negligence, § 3:24

Opinion and fair comment, § 6:46

Truth, § 5:11 to 5:13

Workplace, § 15:21

BURGER FOOTNOTE

Hutchinson v. Proxmire, summary judgment, § 12:71

BUSINESS

Intrusion into, § 10:34.50

Slander per se, § 7:14 to 7:16

BUSINESS LEADERS

All purpose public figures, § 2:85

Limited public figures, § 2:68 to 2:71

BUTTERWORTH CASE

Public records, § 10:48

BUTTS, JUSTICE

Actual malice, § 3:39

CALDER v. JONES

In personam jurisdiction, § 12:16

Summary judgment, § 12:73

CAMPAIGNS

Opinion and fair comment, § 6:69

CANADIAN LAW

Generally, § 1:9.75

INDEX

CANDIDATES FOR PUBLIC OFFICE

- All purpose public figures, § 2:82
- Limited public figures, § 2:58

CAPTIONS

- Meaning as defamatory, § 4:25 to 4:29, 4:40.20
- Note on photograph captions, § 4:29

CAROL BURNETT CASE

- Sources and tips, reliance on, § 3:63

CARROLL ROSENBLOOM

- Literary and artistic criticism, § 6:85

CARTOONS

- Meaning as defamatory, § 4:33
- Political cartoons, § 6:70 to 6:72

CAUSATION

- Basic elements of, § 1:8
- British libel law, § 1:9, 1:9.50
- Elements of, § 1:34
- Emotional distress, § 11:7
- Group defamation, hate speeches, § 4:58
- Modern cause of action, elements of, § 1:34
- New York Times decision, cause of action prior to, § 1:6 to 1:9
- Strict liability tort, § 1:7
- Workplace, defamation in, § 15:32

CAUTIONARY LANGUAGE

- Totality of circumstances approach, § 6:54

CAUTIONARY NOTE

- Reporting and editing process, § 3:73

CHAPADEAU STANDARD

- Intermediate gross irresponsibility standard, § 3:33, 3:35

CHASTITY

- Slander per se, § 7:18

CHECK AND BALANCE FUNCTION

- Reputation, § 1:27

CHILDREN

- Negligent publication, violent material and children, § 11:50.50

CHOICE OF FACTS

- Reporting and editing process, § 3:69

CHOICE OF LAW

- Constitutional limitations on choice of law decisions, § 12:39 to 12:41

CIRCULATION LEVEL

- In personam jurisdiction, § 12:18

CITIZENS UNITED v. FEDERAL ELECTION COM'N

- First Amendment and media/nonmedia distinction, § 3:11, 3:13, 3:15

CIVIL LIABILITY

- Group defamation, § 4:68 to 4:71

CIVIL RIGHTS

- Workplace, government defamation as violation of, § 15:33

CLEAR AND CONVINCING EVIDENCE

- Falsity, § 15:11.50
- Fault, summary judgment, § 3:25.50

CLINT EASTWOOD LITIGATION

- Sources and tips, reliance on, § 3:65

COLLOQUIUM

- References need not be by name, § 4:40, 4:40.50

COLUMNISTS

- All purpose public figures, § 2:87

COMMENTS

- Public officials, § 2:109 to 2:111

COMMERCIAL DISPUTES

- Opinion and fair comment, § 6:91

COMMERCIAL SETTINGS

- Intrusion into, § 10:34.50

COMMERCIAL SPEECH DOCTRINES

- Dun & Bradstreet case, § 2:95

COMMERCIAL USES

- Invasion of privacy, § 10:6

COMMITTEE REPORTS AND STAFF

- Legislative proceedings, participants in, § 8:22

COMMON INTEREST

- Interest-related conditional privileges, § 8:55 to 8:57

COMMON LAW

- Generally, § 1:10 to 1:15
- Absolute Privileges (this index)
- Abuse of Privilege (this index)
- Actual damages, § 9:26
- Actual malice
 - abuse of privilege, § 8:65
 - constitutional actual malice, common law malice as probative of, § 3:47
 - distinguished from common law (ill will) malice, § 3:46
 - fabricated "first8212hand" allegations, § 3:45.50
 - objective evidence, § 3:45.50
 - reports published with, § 8:78
 - subjective standard, § 3:45.50
- Administrative officials. Executive and Administrative Officials (this index)
- Constitutional fault rules, relationship to. Conditional Privileges (this index)
- Definitions, § 1:14
- Executive and Administrative Officials (this index)
- Fair comment privilege, § 8:59
- Federal law, § 13:24, 13:26 to 13:28
- Harm requirements, § 1:15
- Ill-will malice, generally, § 3:46, 3:47, 8:63, 9:44
- Judicial Proceedings (this index)
- Legislative Proceedings (this index)
- Malice, generally, § 3:46, 3:47, 8:63, 9:44
- Opinion and Fair Comment (this index)
- Privileges, generally, § 8:1 et seq.
- Punitive damages for common law malice, § 9:44
- Reports published with actual malice, § 8:78
- Retraction, § 9:71
- Slander Per Se (this index)
- Special harm, § 7:9
- Truth, § 5:2
- Workplace, § 15:28 to 15:30.50

COMMON LAW MALICE

- Common Law (this index)

COMMON USAGE OR MEANING OF LANGUAGE

- Totality of circumstances approach, § 6:52

COMMUNICATIONS DECENCY ACT

- Federal immunity created by, § 4:86

COMMUNICATIONS MEDIA

- Media Cases and Clients (this index)

COMMUNITY LEADERS

- All purpose public figures, § 2:85

COMPELLED SELF-PUBLICATION

- Workplace (this index)

COMPENSATION

- Economic injury, § 1:23
- Emotional injury, § 1:24

COMPENSATORY DAMAGES

- Generally, § 9:11, 9:12

COMPETING INTERESTS

- Workplace publication, § 15:14

COMPULSORY RETRACTION

- Equitable relief, § 9:90 to 9:92

COMPUTERS

- On-line computer networks, publication by, § 4:83 to 4:86.50
- Vicarious liability, § 3:118

CONDITIONAL PRIVILEGES

- Absolute privileges compared, § 8:39
- Common law, generally, § 8:2, 8:38 et seq.
- Constitutional fault rules, relationship to, generally, § 8:40 et seq.
- Dun & Bradstreet, § 8:42
- Gertz case, § 8:43 to 8:45
- Interest-Related Conditional Privileges (this index)
- Negligence, fault greater than, § 8:44
- Workplace, fault considerations, § 15:30

CONFIDANTS

- All purpose public figures, § 2:86

CONFIDENTIAL RELATIONSHIP

- Publication of private facts, § 10:40

CONFIDENTIAL SOURCE

- Generally, § 12:55 et seq.
- Absolute immunity, § 12:61

INDEX

CONFIDENTIAL SOURCE—Cont'd

- Balancing test, § 12:59
- Branzburg case, lower court interpretations of, § 12:58
- Breach of contract for revealing source, § 12:67
- Contempt, § 12:64
- Default judgment, § 12:65
- Diminished protection for non-confidential journalistic material, § 12:62.60
- Discovery, generally, § 12:55 et seq.
- First Amendment, § 12:57 to 12:59.50
- Interference, § 12:68
- Judith Miller litigation, § 12:59.50
- Lower court interpretations of Branzburg, § 12:58
- Motion to compel discovery, § 12:56.50
- Preclusion of reliance on source or presumption that no source existed, § 12:66
- Presumptions, § 12:66
- Privilege
 - generally, § 12:55
 - motion to compel discovery, § 12:56.50
- Protective orders and third-party discovery, § 12:66.50
- Qualified First Amendment privilege, § 12:57 to 12:59.50
- Qualified immunity, § 12:62
- Reliance, § 12:66
- Reporter's privilege, § 12:62.50
- Sanctions for failure to reveal sources, § 12:63 to 12:66
- State shield laws, § 12:60 to 12:62
- Striking pleadings and entry of default judgment, § 12:65
- Third-party discovery, protective orders and, § 12:66.50
- Tortious interference with contract, § 12:68

CONFLICT OF LAWS

- Generally, § 12:25 et seq.
- Abusive forum shopping, § 12:28, 12:29
- Australian Gutnick litigation, § 12:41.50
- Better rule approach, § 12:36
- Choice of law, § 12:39 to 12:41
- Constitutional limitations on choice of law decisions, § 12:39 to 12:41

CONFLICT OF LAWS—Cont'd

- Double counting First Amendment, § 12:29
- First Amendment, double counting, § 12:29
- Foreign judgments, enforcement of, § 12:41 et seq.
- Forum law approach, § 12:38
- Forum shopping, § 12:27 to 12:29
- Governmental interests analysis, § 12:37
- In personam jurisdiction, relationship to, § 12:26
- Internet and foreign judgments, § 12:41.50
- Judgments, § 12:41 et seq.
- Keeton, § 12:40
- Most significant relationship approach, § 12:35
- Publication, single publication rule, § 12:33
- Single publication rule, § 12:33
- SPEECH Act, § 12:41.30
- Territorialist approaches, § 12:31 to 12:34

CONSENT

- Absolute privilege of, § 8:4
- Intrusion, § 10:35, 10:36

CONSTITUTIONAL LAW

- Generally, § 1:16 to 1:20
- Actual damages, § 9:23
- Actual malice, § 3:46, 3:47
- Conflict of laws, § 12:39 to 12:41
- Defense. Truth (this index)
- Definition of negligence, § 3:88
- Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc., § 1:20
- Fault (this index)
- Gertz v. Robert Welch, Inc., § 1:19
- Injurious falsehood, § 11:42
- Invasion of Privacy (this index)
- New York Times Co. v. Sullivan, § 1:17
- Nominal damages, § 9:10
- "Of and concerning" requirement, constitutional status of, § 4:40.50
- Presumed damages, § 9:18 to 9:21
- Publication of Private Facts (this index)
- Punitive damages, § 9:37
- Special harm, § 7:6 to 7:8
- Walker and Butts, § 1:18
- Workplace, fault considerations, § 15:27

**CONSTRUCTION AND
INTERPRETATION**

Confidential source, lower court
interpretations of Branzburg,
§ 12:58
Masson v. New Yorker Magazine, Inc.,
§ 5:27
Meaning as defamatory, § 4:20 to 4:23,
4:26, 4:27
Negligence, § 3:103 to 3:105
Opinion and Fair Comment (this index)

CONSULTANTS

Limited public figures, political
consultants, § 2:58.50

CONSUMER ACTIVITIES

All purpose public figures, § 2:84

CONTEMPORANEOUS REPORTING

Public figures, § 2:46, 2:47

CONTEMPT

Confidential source, § 12:64

CONTINUATION

Equitable relief, § 9:88

CONTRACTORS

Vicarious liability, § 3:116

CONTRADICTORY INFORMATION

Negligence, § 3:105

CONTROVERSY

Limited public figure standard, § 2:22
Preexisting controversy requirement,
§ 2:26 to 2:28

CONVINCING CLARITY STANDARD

Generally, § 3:25

COPYRIGHT LAW

Invasion of privacy, relationship,
§ 10:6.25

CORPORATIONS

All purpose public figures, § 2:85
Commercial speech doctrines, Dun &
Bradstreet and, § 2:95
Dun & Bradstreet and commercial
speech doctrines, § 2:95
Executives, limited public figures,
§ 2:68 to 2:71
First Amendment and corporate/
noncorporate political speech

CORPORATIONS—Cont'd

discrimination, § 3:13 et seq.
Interest in reputation, diminished, § 2:94
Liability of corporate officers or direc-
tors in shareholders derivative
actions, § 9:113
Majority particularized approach, § 2:98
Meaning as defamatory, § 4:75
Minority public interest approach,
§ 2:97
Pervasive influence of, § 2:96
Plaintiffs, generally, § 2:92 et seq.,
9:52.50
Restaurants and food reviews, § 2:98.50
Speech, Dun & Bradstreet and com-
mercial speech doctrines, § 2:95

COST/BENEFIT APPROACH

Negligence, § 3:96

COSTS

Attorneys (this index)
Iowa project, § 9:102

COUNTERCLAIMS

Media, § 13:14

COUNTERSPEECH

Public figures, § 2:37

**COX BROADCASTING CORP. v.
COHN**

Public records, § 10:45
Truth, § 5:7

CREDIT REPORTS

Interest-related conditional privileges,
§ 8:50 to 8:52

**CRIMINAL ACTIVITY AND
CONDUCT**

Aiding and abetting, § 11:52 et seq.
All purpose public figures, § 2:90
Denial of wrongdoing, implying accuser
is lying, § 6:89.50
False electioneering and false political
advertising, § 4:102
Lying, denial of wrongdoing, implying
accuser is, § 6:89.50
Opinion and fair comment, § 6:89
Slander per se, § 7:11 to 7:13

CRIMINAL LIABILITY

Group defamation, § 4:52, 4:70.50

INDEX

CRIMINAL LIBEL

Group Defamation (this index)

CRIMINAL SOLICITATIONS

Negligent publication, § 11:51

CRITICISM

Opinion and Fair Comment (this index)

CRITICS

All purpose public figures, § 2:87

Limited public figures, § 2:66

CUBBY v. COMPUSERVE

Publication, § 4:84

CUMULATIVE IMPACT

Actual malice, § 3:45

CUSTOM

Negligence, § 3:92

DAMAGES

Generally, § 9:1 et seq.

Actual Damages (this index)

Anti-SLAPP (strategic lawsuit against public participation) legislation, § 9:107

Appeal and review, § 9:67 to 9:69

Attorneys' fees and public relations expenses spent to mitigate, § 9:53.50

Bad acts, prior, § 9:60

Bad faith of defendant, § 9:64

Bad reputation of plaintiff, § 9:59

Chart of constitutional damages rules, § 9:52

Compensatory damages, § 9:11, 9:12

Corporation as plaintiff, § 9:52.50

Evidence, § 9:61, 9:65

Extent of defamation, § 9:56

Factors in mitigation and aggravation, nature of the defamation, § 9:54

General damages, § 9:13 to 9:15

Good faith of defendant, § 9:64

Good reputation of plaintiff, § 9:58

Injurious falsehood, § 11:45, 11:46

Interest in reform, § 9:3

Judicial review of awards, § 9:67 to 9:69

Liability of corporate officers

directors in shareholders, § 9:113

Libel-proof plaintiff, § 9:61

DAMAGES—Cont'd

Mitigation and aggravation, generally, § 9:53 et seq.

Monetary settlements in defamation and related cases, § 9:112

Nominal Damages (this index)

Organization as plaintiff, § 9:52.50

Plaintiffs

generally, § 9:57 to 9:61

bad reputation, § 9:59

corporation as, § 9:52.50

good reputation, § 9:58

libel-proof, § 9:61

organization as, § 9:52.50

Pleading considerations, § 12:50

Presumed Damages (this index)

Prior bad acts, § 9:60

Prior publication, § 9:62

Prior recoveries or settlements, § 9:63

Prior reputation of plaintiff, § 9:57 to 9:61

Provocation, § 9:65

Publication, § 9:55, 9:62

Public participation, strategic lawsuits against (SLAPP suits)

generally, § 9:107

media defendants, § 9:108

variation in statutes, § 9:109

Punitive Damages (this index)

Retraction (this index)

Settlement, prior, § 9:63

SLAPP suits

generally, § 9:107

media defendants, § 9:108

SLAPP suits

statutes and choice of law conundrums, § 9:111

Special damages, § 9:35

Strategic lawsuit against public participation (SLAPP). SLAPP suits, above

Substantive rules, linkage to, § 9:2

Terminology, § 9:4

Use of comparators in reviewing jury verdicts, § 9:69

Workplace, defamation in, § 15:32

DAMERON DECISION

Public figures, § 2:35

DEADLINES

- Actual malice, § 3:75 to 3:77
- Negligence, § 3:111

DEATH

- Funerals and privacy, § 10:54.60
- Meaning as defamatory, § 4:73
- Military funeral protests, emotional distress, § 11:13.50
- Paparazzi and death of Princess Diana, § 10:32

DECENCY ACT

- Federal immunity created by, § 4:86

DECLARATORY RELIEF

- Generally, § 9:93

DEDUCTIVE OPINIONS

- Restatement (Second) approach to pure opinion and mixed opinion, § 6:33

DEFAMATION

- Monetary settlements, related cases, § 9:112

DEFAMATION PER SE

- Special harm, judicial arguments favoring retention of traditional rules, § 7:35

DEFAMATORY MEANING

- Meaning as Defamatory (this index)

DEFAMATORY OPINIONS

- Generally, § 6:60

DEFAULT JUDGMENT

- Confidential source, § 12:65

DEFENSES

- Federal law, § 13:28
- Media litigation, high costs of defense, § 13:3
- Republication, wire service defense, § 4:90
- Truth (this index)

DEFINITIONS

- Generally, § 4:1 et seq.
- All purpose public figures, § 2:77 to 2:79
- Common law, § 1:14
- Defamatory, § 4:1
- Intermediate gross irresponsibility standard, § 3:34

DEFINITIONS—Cont'd

- Meaning as Defamatory (this index)
- Negligence, § 3:88
- Newsworthiness privilege, § 10:50
- Public officials, § 2:99 to 2:102
- Public record, § 10:47
- Seclusion, § 10:34

DENIAL

- Wrongdoing, implying accuser is lying, § 4:19.50, 6:89.50

DENIALS BY PLAINTIFF

- Fault, § 3:65.50

DESCENDABILITY

- Invasion of privacy, § 10:6.50

DETERRENT FUNCTION

- Generally, § 1:26

DIGNITY

- Promotion of human dignity, § 1:25

DIRECTED VERDICTS

- Generally, § 12:78 et seq.
- First Amendment, § 12:81
- General standards, § 12:80
- Independent review doctrine, § 12:82
- Jury control, § 12:79

DISBELIEF, EXPRESSIONS OF

- Republication, § 4:88

DISCIPLINARY MATTERS

- Limited public figures, § 2:74

DISCLOSURE

- News gathering, private information, § 10:36.60
- Offensive to reasonable person, § 10:42
- Prudent disclosures, § 13:22
- Publication of private facts, § 10:38, 10:42, 10:54

DISCOVERY

- Generally, § 12:52 et seq.
- Confidential Sources (this index)
- Cost reduction in litigation, § 13:12
- Editorial process, inquiry into, § 12:53 to 12:55
- Non-confidential material, diminished protection, § 12:62.60
- Reporter's privilege, § 12:62.50
- SLAPP motions, § 12:68.50

INDEX

DISCRIMINATION AND MEDIA/NONMEDIA DISTINCTION

First Amendment, § 3:11 et seq.

DISCRIMINATORY CONDUCT

Group defamation, hate speeches, § 4:64

DISEASE, LOATHSOME

Slander per se, § 7:17

DISPUTE RESOLUTION PROCEDURES

Iowa project, § 9:100

DISTORTION OR EXAGGERATION

False light invasion of privacy, § 10:19
to 10:22

DIVERSITY OF CITIZENSHIP

Subject matter jurisdiction, § 12:5 to
12:8

DIVISIVENESS, PUBLIC

Public figures, § 2:38 to 2:41

DOUBLE COUNTING FIRST AMENDMENT

Conflict of laws, § 12:29

DOUBT WITHIN MEDIA ORGANIZATION

Generally, § 3:72

DOUGLAS OPINION

Public figures, § 2:7

DUE PROCESS

Jurisdiction (this index)

DUN & BRADSTREET, INC. v. GREENMOSS BUILDERS, INC.

Commercial speech doctrines, § 2:95

Conditional privileges, § 8:42

Constitutional law, § 1:20

Fault

generally, § 3:19, 3:20

public official and public figure cases,
§ 3:22

strict liability in suits not involving
matters of public concern, § 3:8,
3:17

Identity, § 4:43

Interest-related conditional privileges,
§ 8:51, 8:52

Presumed damages, § 9:20

DUN & BRADSTREET, INC. v. GREENMOSS BUILDERS, INC. —Cont'd

Punitive damages, § 9:38

Special harm, § 7:6 to 7:8

Summary judgment, § 12:77

Truth, § 5:6, 5:10

DYNAMIC NATURE OF MODERN MEDIA

First Amendment and media/nonmedia
distinction, § 3:14

ECONOMIC INJURY

Compensation for, § 1:23

EDITOR AND EDITORIAL PROCESS

Actual Malice (this index)

Discovery, § 12:53 to 12:55

Letters to editor, § 3:87, 6:70 to 6:72

Opinion and fair comment, § 6:70 to
6:72

Point of view of editor, § 3:67

Vicarious liability of employee, § 3:115

EDUCATION OFFICIALS

Limited public figures, § 2:76.50

EDWARDS v. NATIONAL AUDUBON SOCIETY

Neutral reportage privilege, § 4:98

EIGHTH AMENDMENT

Punitive damages, § 9:40

ELECTED OFFICIALS

Generally, § 2:105

ELECTRONIC COMMUNICATIONS

Interception—Bartnicki v. Vopper,
§ 10:56.50, 10:56.70

EMBELLISHMENTS

Minor inaccuracies in detail, § 5:25

EMERGENCY RESCUE SHOWS

Invasion of privacy, § 10:57

EMOTIONAL DISTRESS

Generally, § 11:1 et seq.

Actual damages, § 9:27 to 9:29

Causation, § 11:7

Extreme and outrageous conduct, § 11:5

Firestone case, § 11:22

Fourth circuit holding, Hustler v.

Falwell litigation, § 11:11

EMOTIONAL DISTRESS—Cont'd

Hustler v. Falwell litigation, § 11:9 to 11:12

Intentional infliction, generally, § 11:2 et seq.

Intentional or reckless conduct, § 11:4

Lower court decisions, Hustler v. Falwell litigation, § 11:10

Media, applicability to, § 11:33

Media cases, application to, § 11:8

Mental disturbance, recovery for, § 11:30

Military funeral protests, Snyder v. Phelps, § 11:13.50

Negligent infliction
generally, § 11:29 et seq.
media, applicability to, § 11:33
mental disturbance, recovery for, § 11:30

physical manifestation position, § 11:31

pure emotional distress recovery, § 11:32

Nonspeech cases, § 11:15 to 11:17

Outrage, generally, § 11:2 et seq.

Outrageous conduct, § 11:5

Physical manifestation position, § 11:31

Private figure cases, § 11:13, 11:27

Private speech cases, § 11:27

Pure emotional distress recovery, § 11:32

Reckless conduct, § 11:4

Severe emotional distress, § 11:6

Sexual harassment, § 11:21

Speeches, generally, § 11:15 et seq.

Talk shows, § 6:95

EMOTIONAL INJURY

Compensation for, § 1:24

EMOTION PRINCIPLE

Group defamation, hate speeches, § 4:56

EMPLOYMENT

Workplace (this index)

ENGLISH APPROACH

Meaning as defamatory, § 4:3

ENTERTAINERS AND OTHER PERSONALITIES

All purpose public figures, § 2:83

Limited public figures, § 2:59 to 2:61

ENTREPRENEURS

Limited public figures, § 2:68 to 2:71

EPITHETS

Meaning as defamatory, § 4:7 to 4:10

EQUITABLE RELIEF

Generally, § 9:85 et seq.

Annenberg libel reform proposal, § 9:94 to 9:97

Compulsory retraction, § 9:90 to 9:92

Declaratory relief, § 9:93

First Amendment, prior restraint doctrine, § 9:86

Harm, recharacterizing harm, § 9:89

Injunctive relief, § 9:87 to 9:89

Iowa Project (this index)

Libel, § 9:94 to 9:97

Meaning as defamatory, laches and time limits, § 4:94.50

Prior restraint doctrine of First Amendment, § 9:86

Recharacterizing harm, § 9:89

Reply, right of, § 9:90 to 9:92

Retraction, compulsory, § 9:90 to 9:92

ERRORS

False light invasion of privacy, minor and insubstantial errors, § 10:23

Negligence, mechanical errors or lapses in internal procedures, § 3:109 to 3:110

Terminology, errors in, § 5:24

ETHICAL OR DISCIPLINARY MATTERS

Limited public figures, § 2:74

ETHNIC DISPARAGEMENT

Group defamation, § 4:51, 4:52

EVALUATIVE OPINIONS

Restatement (Second) approach to pure opinion and mixed opinion, § 6:34 to 6:37

EVIDENCE

Actual Damages (this index)

Character for truthfulness, § 12:87

Clear and convincing evidence
falsity, § 15:11.50

fault, summary judgment, § 3:25.50

Damages, § 9:61, 9:65

Objective evidence, § 3:42 to 3:45

INDEX

EVIDENCE—Cont'd

- Opinion and fair comment, § 6:36
- Preponderance of evidence, § 3:26
- Punitive damages, § 9:45
- Social science evidence, use of, § 4:37

EVIDENTIARY HEARING

- Motion for summary judgment, determining status on, § 2:121

EXAGGERATION

- False light invasion of privacy, § 10:19 to 10:22

EXCESSIVE PUBLICATION

- Abuse of privilege, § 8:61

EXECUTIVE AND ADMINISTRATIVE OFFICIALS

- Generally, § 8:27 et seq.
- Federal officials, § 8:28
- Scope of immunity, § 8:29
- State officials, § 8:30 to 8:33
- Superior state officials, limitation to, § 8:32

EXECUTIVE PROCEEDINGS

- Fair report privilege, § 8:74

EXPERT TESTIMONY

- Linguistic experts, use of, § 4:37
- Negligence, § 3:92

EXTRA-JUDICIAL ACTIVITY

- Generally, § 8:17

EXTREME AND OUTRAGEOUS CONDUCT

- Emotional distress, § 11:5

EXTRINSIC FACTS

- Hybrid per se/per quod, § 7:28
- Meaning as defamatory, § 4:18

FABRICATED INTERVIEWS

- Sources and tips, reliance on, § 3:65

FACEBOOK

- Opinion and fair comment, § 6:70.50

FACT/OPINION DISTINCTION

- Opinion and Fair Comment (this index)
- Rhetorical hyperbole, § 4:12
- Workplace, § 15:17

FACTUALLY LADEN OPINIONS

- Judicial variations to Restatement approach, § 6:41

FACTUAL STATEMENT EMBEDDED IN OPINION

- Opinion and fair comment, § 6:41.50

FADING PUBLIC STATUS

- Generally, § 2:49

FAIR COMMENT

- Opinion and Fair Comment (this index)

FAIR REPORT PRIVILEGE

- Generally, § 8:3, 8:66 et seq.
- Accuracy and fairness requirement, § 8:75 to 8:77
- Administrative proceedings, § 8:74
- Arrests, § 8:72
- Attribution requirement, § 8:67.50
- Common law, generally, § 8:3, 8:66 et seq.
- Defeasance of the privilege through actual or common law malice, § 8:70.50
- Executive proceedings, § 8:74
- Function and rationale, § 8:67
- Judge, role of, § 8:77
- Judicial proceedings, § 8:69 to 8:71
- Jury, role of, § 8:77
- Law enforcement activity, § 8:72
- Legislative proceedings, § 8:73
- Official action, § 8:70
- Public proceedings, § 8:74
- Secret proceedings, § 8:71
- Substantial accuracy test, § 8:76

FALSE ASSOCIATION

- Generally, § 10:18

FALSEHOOD

- Injurious Falsehood (this index)

FALSE LIGHT INVASION OF PRIVACY

- Generally, § 10:7 et seq.
- Ambiguities, § 10:15
- Association, false, § 10:18
- Broadcast footage, § 10:21
- Defamatory speech, § 10:11
- Distortion or exaggeration, § 10:19 to 10:22

**FALSE LIGHT INVASION OF
PRIVACY—Cont'd**

- Errors, minor and insubstantial errors,
§ 10:23
- Exaggeration, § 10:19 to 10:22
- False association, § 10:18
- Fiction and false light tort, § 10:24 to
10:28.50
- Film and broadcast footage, § 10:21
- First Amendment, § 10:14 to 10:16,
10:26
- Highly offensive to reasonable person,
statement as, § 10:12
- Identity issues, § 10:25
- Lower court decisions, § 10:16
- Minor and insubstantial errors, § 10:23
- Nondefamatory statement be offensive,
§ 10:13
- Offensive, statement as highly offensive
to reasonable person, § 10:12
- Other rejections, § 10:28.50
- Photographs, § 10:20
- Printed matter, § 10:22
- Reasonable person, statement as highly
offensive to, § 10:12
- Renwick case, § 10:28
- Special First Amendment
considerations, § 10:26
- Speech, defamatory, § 10:11
- Survival, § 10:27
- Types of false light claims, § 10:17

FALSITY

- Abuse of privilege, § 8:65
- Burden of proof, § 15:11.50
- Clear and convincing evidence standard,
§ 15:11.50
- Injurious falsehood, § 11:36
- Substantial truth, omission of material
facts, § 5:17.50
- Workplace defamation
 - burden of proof, § 15:11.50
 - clear and convincing evidence stan-
dard, § 15:11.50

FAMILY RELATIONSHIPS

- Interest-related conditional privileges,
§ 8:57

FAMOUS ENTERTAINERS

- Limited public figures, § 2:60

FANTASY SPORTS LEAGUES

- Publicity, § 10:6.30

FAULT

- Generally, § 3:1 et seq.
- Actual Malice (this index)
- Burden of proof in establishing malice
and negligence, § 3:24
- Clear and convincing evidence on sum-
mary judgment, § 3:25.50
- Common Law Privileges (this index)
- Constitutional law
 - generally, § 3:1 et seq.
 - actual malice, § 3:3, 3:6, 3:46, 3:47
 - government defendants and actual
malice standard, § 3:6
 - negligence, § 3:4
 - public officials/public figures and
private figures, dichotomy
between, § 3:2
 - strict liability, § 3:5
- Convincing clarity standard, special,
§ 3:25
- Denials by plaintiff, § 3:65.50
- Dun & Bradstreet
 - generally, § 3:19, 3:20
 - public official and public figure cases,
§ 3:22
 - strict liability in suits not involving
matters of public concern, § 3:8,
3:17
- Editing, Reporting and Editing Process
(this index)
- False light invasion of privacy, § 10:14
to 10:16
- First Amendment and media/nonmedia
distinction
 - Citizens United v. Federal Election
Com'n, § 3:11, 3:13, 3:15
 - corporate free speech rights, § 3:13
 - disfavor of discrimination, § 3:11 et
seq.
 - dynamic nature of modern media,
§ 3:14
 - restrictions on media speakers, § 3:12
 - Supreme Court decision, § 3:16
- Gertz standard, § 3:20
- Gross irresponsibility standard. Interme-
diate Gross Irresponsibility Stan-
dard (this index)
- Hybrid per se/per quod, § 7:28
- Identity, § 4:48

INDEX

FAULT—Cont'd

- Injurious falsehood, § 11:40
- Internal files, failure to check, § 3:50
- Investigation, § 3:48 to 3:50, 3:76, 3:86
- Journalistic initiative, lack of, § 3:49
- Malice
 - burden of proof in establishing malice and negligence, § 3:24
 - constitutional standards of actual malice, § 3:3, 3:6
 - states adopting actual malice in private figure cases, § 3:31
- Matters of public concern standard, § 3:18 to 3:21
- Negligence (this index)
- Obvious sources, failure to check.
 - Actual Malice (this index)
- Pleading considerations, § 12:49
- Preponderance of evidence, § 3:26
- Private figures, § 3:28, 3:30, 3:31
- Public concern, § 3:28
- Public figures, § 3:2, 3:22
- Public officials, § 3:2, 3:22
- Reliance on sources and tips. Actual Malice (this index)
- Republication, § 4:89
- Rosenbloom, § 3:21
- Special convincing clarity standard, § 3:25
- States adopting actual malice in private figure cases, § 3:31
- States adopting form of negligence as standard for private figure cases, § 3:30
- State standards, § 3:27 to 3:29
- Strict Liability (this index)
- Substantial truth test, § 5:21
- Summary judgment, clear and convincing evidence on, § 3:25.50
- Supreme Court and media/nonmedia distinction, § 3:16
- Truth, § 5:21, 5:33
- Vicarious Liability (this index)
- Workplace (this index)

FAULTY INSTRUCTIONS AND MISINFORMATION

- Negligent publication, § 11:49

FAVISH VINCE FOSTER CASE

- Invasion of privacy, § 10:54.50

FAVORABLE PUBLIC IMAGE

- Actual damages, § 9:33

FAVORED OR DISFAVORED

- Summary judgment, § 12:74

FEDERAL COURT

- Removal from state court to federal court, § 12:42
- Subject matter jurisdiction, § 12:3 to 12:7

FEDERAL IMMUNITY

- Communications Decency Act, § 4:86

FEDERAL LAW

- Common law rules, § 13:24, 13:26 to 13:28
- Defense considerations, § 13:28
- Forum shopping, § 13:27
- Independent and adequate state grounds, § 13:29
- Legislative proceedings, participants in, § 8:20 to 8:23
- State freedom within constitutional framework, § 13:25
- State grounds as independent and adequate, § 13:29

FEDERAL OFFICIALS

- Common law privileges, § 8:28

FEDERAL RULES OF CIVIL PROCEDURE

- SLAPP suits, potential conflicts, § 9:110

FICTION

- False light invasion of privacy, § 10:24 to 10:28.50
- Identity, § 4:45 to 4:49

FIGHTING WORDS DOCTRINE

- Group defamation, hate speeches, § 4:62

FILES

- Destruction of by reporters, § 13:15

FILM AND BROADCAST FOOTAGE

- Aiding and abetting criminal activity, § 11:56
- False light invasion of privacy, § 10:21

FINANCIAL CONDITION

- Punitive damages, § 9:47

FIRESTONE CASE

- Actual damages, § 9:28

FIRESTONE CASE—Cont'd

- Emotional distress, § 11:22
- Public figures, § 2:17
- Truth, private figure cases, § 5:8

FIRST AMENDMENT

- Confidential source, § 12:57 to 12:59.50
- Conflict of laws, § 12:29
- Corporate/noncorporate political speech, § 3:13 et seq.
- Directed verdicts, § 12:81
- Equitable relief, § 9:86
- False light invasion of privacy, § 10:14 to 10:16, 10:26
- Freedom of speech, § 1:33, 6:74, 6:74.50
- Group Defamation (this index)
- In personam jurisdiction, § 12:15, 12:16
- Invasion of privacy, generally, § 10:5
- Media/nonmedia speakers, § 3:11 et seq.
- Opinion and fair comment, § 6:24, 6:74, 6:74.50
- Public records, § 10:48
- Punitive damages, § 9:39
- Religious opinion, § 6:74, 6:74.50
- Removal, transfer, and forum non conveniens, § 12:46
- Summary judgment, § 12:70
- Trafficking in truthful information, *Barnticki v. Vopper* decision, § 10:56.70

FOLLOW-UP STORIES

- Actual malice, § 3:85

**FOOD AND FOOD
DISPARAGEMENT LAWS**

- Generally, § 16:1 et seq.
- Case against food disparagement laws, § 16:4
- Compendium of food disparagement laws, § 16:2
- Oprah Winfrey litigation, § 16:3
- Proliferation of food disparagement laws, § 16:1
- Restaurant and food critiques, § 2:98.50, 6:88

FOREIGN JUDGMENTS

- Conflict of laws, § 12:41 et seq.

**FOREIGN JUDGMENTS AND
INTERNET**

- Conflict of laws, § 12:41.50

FORUM LAW APPROACH

- Conflict of laws, § 12:38

FORUM NON CONVENIENS

- Generally, § 12:42, 12:45
- First Amendment, § 12:46

FORUM SHOPPING

- Abusive forum shopping, § 12:28, 12:29
- Conflict of laws, § 12:27 to 12:29
- Federal law, § 13:27

FOURTH CIRCUIT

- Emotional distress holding, *Hustler v. Falwell* litigation, § 11:11

FREEDOM OF SPEECH

- Generally, § 1:28 to 1:33
- Broader enlightenment function, § 1:32
- Corporate/noncorporate political speech, § 3:13 et seq.
- First Amendment functions, § 1:33, 6:74, 6:74.50
- Individual interests and social interests, § 1:29
- Media/nonmedia speakers, § 3:11 et seq.
- Political self-governance function, § 1:31
- Religious opinion, § 6:74, 6:74.50
- Self-fulfillment function, § 1:30
- Social interests and individual interests, § 1:29

FREELANCE WRITERS

- In personam jurisdiction, § 12:23

FREE-LANCE WRITERS

- Sources and tips, reliance on, § 3:61

FREE SPEECH

- Attorneys, § 13:4

FUNERALS

- Invasion of privacy, § 10:54.60
- Military funeral protests, emotional distress, § 11:13.50

FUTURE CONDUCT

- Meaning as defamatory, § 4:36

INDEX

GAMES

Invasion of privacy, video games based on real people, § 10:6.40

GENERAL DAMAGES

Generally, § 9:13 to 9:15

GENERALIZED DEFAMATORY CHARGES

Substantial truth test, § 5:16, 5:22

GERTZ v. ROBERT WELCH, INC.

Conditional privileges, § 8:43 to 8:45
Constitutional law, § 1:19
Fault, § 3:20
Negligence, § 3:88
Opinion and fair comment, § 6:11, 6:13
Presumed damages, § 9:21
Public figures, § 2:12
Punitive damages, § 9:37
Special harm, § 7:6 to 7:8
Truth, private figure cases, § 5:6

“GHOST WRITERS”

Actual malice, § 3:87.50

GOOD FAITH

Damages, § 9:64

GOOD REPUTATION

Damages, § 9:58

GOVERNMENT BODIES AND ENTITIES

Actual malice standard, § 3:6
Conflict of laws, § 12:37
Judicial proceedings, participants in, § 8:15
Meaning as defamatory, § 4:76
Publication, reports to government agencies, § 8:36.50, 8:37
Workplace, government defamation violation of civil rights, § 15:33

GRAPHICS

Protest activity involving surveillance and video or photographs, § 10:39.75
Publication of private facts, § 10:39.50

GREENBELT v. BRESLER

Opinion and fair comment, § 6:10
Rhetorical hyperbole, § 4:13

GROSS IRRESPONSIBILITY

Intermediate Gross Irresponsibility Standard (this index)

GROUP DEFAMATION

Generally, § 4:50 et seq.
Causation principle, § 4:58
Civil liability, § 4:68 to 4:71
Criminal liability, § 4:52, 4:70.50
Criminal libel. Hate speeches, below
Discriminatory conduct, § 4:64
Emotion principle, § 4:56
Ethnic disparagement, § 4:51, 4:52
Fighting words doctrine, § 4:62
First Amendment. Hate speeches, below
Hate speeches
 generally, § 4:53 et seq.
 causation principle, § 4:58
 discriminatory conduct, § 4:64
 emotion principle, § 4:56
 fighting words doctrine, § 4:62
 First Amendment, generally, § 4:54 et seq.
 neutrality principle, § 4:55
 precision principle, § 4:59
 protection of persons or property, § 4:63
 public speech/private speech dichotomy, § 4:66
 relational harm, § 4:65
 symbolism principle, § 4:57
 two-class theory, § 4:61
Libel. Hate speeches, above
Neutrality principle, § 4:55
Precision principle, § 4:59
Private speech, § 4:66
Protection of persons or property, § 4:63
Public speech/private speech dichotomy, § 4:66
Racial disparagement, § 4:51, 4:52
Reference to all or only part of group, § 4:70
Relational harm, § 4:65
Religious disparagement, § 4:51, 4:52
Size of group, civil liability, § 4:69
Speech. Hate speeches, above
Stolen Valor Act, criminalization of mere “lies,” § 4:70.50
Suspicion test, intensity of, § 4:71
Symbolism principle, § 4:57
Two-class theory, § 4:61

HARLAN OPINION

Public figures, § 2:5

HARM

Common law, § 1:15

Equitable relief, recharacterizing harm,
§ 9:89

Workplace, § 15:18

HARTE-HANKS

**COMMUNICATIONS, INC. v.
CONNAUGHTON**

Obvious sources, failure to check,
§ 3:54

HATE SPEECH

Group Defamation (this index)

HEADLINES

Meaning as defamatory, § 4:25 to 4:29

HIGHLY OFFENSIVE TO

REASONABLE PERSON

False light invasion of privacy, § 10:12
Nondefamatory statement be offensive,
§ 10:13

HINERMAN DECISION

Opinion and fair comment, § 6:72

HISTORICAL REPORTING

Passage of time on public figure status,
effect of, § 2:46, 2:47

HISTORY

Generally, § 1:2 to 1:5

HIT MAN LITIGATION

Aiding and abetting criminal activity,
§ 11:53 to 11:55

**HOSTILE INVESTIGATION AND
QUESTIONING**

Actual malice, § 3:86

HOT NEWS

Actual malice, § 3:76

HUSTLER v. FALWELL

Emotional distress, § 11:9 to 11:12
Opinion and fair comment, § 6:14
Rhetorical hyperbole, § 4:14
Talk shows, § 6:95

HUTCHINSON v. PROXMIRE

Legislative proceedings, participants in,
§ 8:23

HUTCHINSON v. PROXMIRE

—Cont'd

Public figures, § 2:19

Summary judgment, burger footnote in,
§ 12:71

HYBRID OPINIONS

Judicial variations to Restatement
approach, § 6:41, 6:42, 6:43

HYBRID PER SE/PER QUOD

Generally, § 7:26 to 7:29

Extrinsic facts, § 7:28

Fault regarding extrinsic facts, § 7:28

Precedent, § 7:29

HYPERLINKS

Single publication rule, previously
published defamatory material,
§ 4:93.60

IDENTITY

Generally, § 4:39 et seq.

Accidental reference, § 4:42

Captions linking plaintiff, § 4:40.20

Colloquium, references need not be by
name, § 4:40, 4:40.50

Constitutional status of “of and concern-
ing” requirement, § 4:40.50

Dun & Bradstreet, § 4:43

False light invasion of privacy, § 10:25

Fault requirements, § 4:48

Fictional works, § 4:45 to 4:49

Name, references need not be by, § 4:40,
4:40.20, 4:40.50

Of and concerning plaintiff requirement,
generally, § 4:39 et seq.

Photographs linking plaintiff, § 4:40.20

Pleading considerations, § 12:48

Polsby v. Spruill, § 4:49

Reference, accidental, § 4:42

References need not be by name, § 4:40,
4:40.20, 4:40.50

Strict liability, § 4:41

**IDEOLOGICALLY AMORPHOUS
STATEMENTS**

Opinion and fair comment, § 6:73

ILL-WILL MALICE

Generally, § 3:46, 3:47, 8:63, 9:44

INDEX

IMAGES

Protest activity involving surveillance and video or photographs, § 10:39.75

Publication of private facts, § 10:39.50

IMMUNITY

Absolute Immunity (this index)

Federal immunity created by Communications Decency Act, § 4:86

Qualified immunity, § 12:62

Sovereign immunity, § 8:37

IMMUNO DECISION

Lower court interpretations of Milkovich, § 6:23 to 6:26

IMPLICATION, DEFAMATION THROUGH

Generally, § 4:16 to 4:19.50

Context, significance of, § 4:17

Examples, § 4:19

Extrinsic facts, § 4:18

“Inducement,” § 4:18

“Innuendo,” § 4:18

Lying, denial of wrongdoing by implying accuser is, § 4:19.50

INDEPENDENT AND ADEQUATE STATE GROUNDS

Federal law, § 13:29

INDEPENDENT CONTRACTORS

Vicarious liability, § 3:116

INDEPENDENT JUDICIAL REVIEW

Generally, § 12:83 to 12:86

INDEPENDENT REVIEW DOCTRINE

Directed verdicts, § 12:82

INDIVIDUAL INTERESTS

Freedom of speech, § 1:29

INDUCEMENT

Intrusion and trespass in news gathering, § 10:36.60

Meaning as defamatory, § 4:18

Negligent publication, § 11:50

INFERENCES

Choice of facts and resolution of inferences or ambiguities, § 3:69

Negligence, § 3:103 to 3:105

INFORMATIONAL OPINIONS

Restatement (Second) approach to pure opinion and mixed opinion, § 6:38

INFORMATIONAL PRIVACY

Publication of private facts, § 10:43.50

INJUNCTIVE RELIEF

Equitable relief, § 9:87 to 9:89

Injurious falsehood, § 11:47

INJURIOUS FALSEHOOD

Generally, § 11:34 et seq.

Common law privileges, § 11:41

Constitutional privileges, § 11:42

Damages, § 11:45, 11:46

Falsity, § 11:36

Fault, § 11:40

Injunctive relief, § 11:47

Intent, § 11:40

Malice, § 11:40

Pecuniary interest, injury to, § 11:37

Pecuniary loss, damages for, § 11:45

Publication, § 11:38

Punitive damages, § 11:46

Special harm, § 11:39

Suzuki v. Consumers Union, § 11:40.50

INNOCENT CONSTRUCTION RULE

Meaning as defamatory, § 4:22

INNUENDO

Meaning as defamatory, § 4:18

IN PERSONAM JURISDICTION

Generally, § 12:9 et seq.

Advertising and solicitation efforts, § 12:22

Calder v. Jones, § 12:16

Circulation level, § 12:18

Conflict of laws, § 12:26

Due process limitations, generally, § 12:11 et seq.

Freelance writers, § 12:23

International Shoe, § 12:13

Keeton v. Hustler Magazine, Inc., § 12:16

Lack of jurisdiction, § 12:10

Long arm statutes, § 12:24

Minimum contacts requirement, § 12:12 to 12:14

News gathering, § 12:21

IN PERSONAM JURISDICTION

—Cont'd

- Nexus between story and forum state, § 12:19
- Physical presence, § 12:12 to 12:14
- Relevance of First Amendment, § 12:15, 12:16
- Resident of plaintiff and contact in forum, § 12:20
- Solicitation efforts, § 12:22
- Supreme Court resolutions, § 12:16
- World-wide Volkswagen formulation, § 12:14

INSIDE INFORMATION SHEET

- Literary and artistic criticism, § 6:82

INSTRUCTIONS

- Faulty instructions and misinformation, § 11:49

INSULTS

- Meaning as defamatory, § 4:7 to 4:10

INTENT

- Emotional Distress (this index)
- Injurious falsehood, § 11:40
- Publication, § 4:79

INTEREST-RELATED

CONDITIONAL PRIVILEGES

- Generally, § 8:46 et seq.
- Common interest, § 8:55 to 8:57
- Common law, generally, § 8:46 et seq.
- Common law fair comment privilege, § 8:59
- Credit reports, § 8:50 to 8:52
- Dun & Bradstreet, § 8:51, 8:52
- Employees, reports on, § 8:53
- Fair comment privilege, common law, § 8:59
- Family relationships, § 8:57
- Petitions clause, § 8:54
- Public interest, § 8:58
- Publisher's interest, § 8:47
- Requested information, generally, § 8:49 et seq.
- Third persons' interest, § 8:48
- Volunteered information, generally, § 8:49 et seq.

INTERFERENCE

- Actual harm to reputation, proof of, § 9:31, 9:32

INTERFERENCE—Cont'd

- Tortious interference with contract, § 12:68

INTERMEDIATE GROSS

IRRESPONSIBILITY STANDARD

- Generally, § 3:32 et seq.
- Chapadeau, § 3:33, 3:35
- Definition, § 3:34
- Fault, generally, § 3:32 et seq.
- No media-nonmedia distinction, § 3:36
- Sphere of legitimate public concern standard, § 3:35

INTERNAL COMMUNICATIONS

- Workplace, § 15:4, 15:7 to 15:9.50

INTERNAL FILES

- Fault, failure to check, § 3:50

INTERNAL PROCEDURES

- Negligence, § 3:109 to 3:110

INTERNATIONAL SHOE

- In personam jurisdiction, § 12:13

INTERNET

- Aiding and abetting criminal activity, § 11:58
- Anonymity and, § 4:86.50, 12:24.60
- Conflict of laws, § 12:41.50
- Facebook, opinion and fair comment, § 6:70.50
- Foreign judgments, § 12:41.50
- Hyperlinks, single publication rule, previously published defamatory material, § 4:93.60
- Identifying defendants' identities in Internet defamation cases, § 12:24.60
- Jurisdiction, Internet cases, § 12:24.50
- Message boards, opinion and fair comment, § 6:70.50
- Opinion and fair comment, message boards, § 6:70.50
- Republication, single publication rule, § 4:93.50, 4:93.60, 4:93.70
- Reputation protection, age of internet and social media, § 1:27.50
- Twitter, opinion and fair comment, § 6:70.50

INTERPRETATION

- Construction and Interpretation (this index)

INDEX

INTERVIEW

- Ambush interview techniques, § 10:36
- Media “ride-alongs,” § 10:36.50

INTRUSION

- Generally, § 10:29 et seq.
- Ambush interview techniques, § 10:36
- Business, intrusion into, § 10:34.50
- Commercial settings, intrusion into, § 10:34.50
- Consent, § 10:35, 10:36
- Definition of seclusion, § 10:34
- Inducement by third party, § 10:36.60
- Interview, ambush interview techniques, § 10:36
- Media and government partnership, surreptitious surveillance, § 10:36.70
- Media “ride-alongs,” § 10:36.50
- News gathering, trespass in, § 10:33 to 10:36.60
- Newsworthiness privilege, § 10:52
- Paparazzi and death of Princess Diana, § 10:32
- Princess Diana, Paparazzi and death of, § 10:32
- Private matters, public vs. private matters, § 10:34
- Public vs. private matters, § 10:34
- Seclusion defined, § 10:34, 10:34.50
- Surreptitious surveillance, media and government partnership, § 10:36.70
- Trespass in news gathering, § 10:33 to 10:36.60

INVASION OF PRIVACY

- Generally, § 10:1 et seq.
- Antipaparazzi legislation, § 10:58
- Appropriation
 - cases, prior restraints in, § 10:6.75
 - trade names, § 10:4.50
- Assignability and descendability, § 10:6.50
- Attorneys, § 13:21
- Autopsy photographs, § 10:54.50
- Avatars in video games based on real people, right of publicity claims, § 10:6.40
- Barnticki v. Vopper decision, illegally intercepted electronic material, § 10:56.50, 10:56.70
- Commercial vs. noncommercial uses, § 10:6

INVASION OF PRIVACY—Cont’d

- Constitutional law restraints
 - autopsy photographs, § 10:54.50
 - Favish Vince Foster case, § 10:54.50
 - newsworthiness privilege, autopsy photographs, Favish Vince Foster case, § 10:54.50
- Copyright law, relationship, § 10:6.25
- Descendability, § 10:6.50
- Electronic communications illegally intercepted, Barnticki v. Vopper decision, § 10:56.50, 10:56.70
- Emergency rescue shows, § 10:57
- False Light Invasion of Privacy (this index)
- Fantasy sports leagues, § 10:6.30
- Favish Vince Foster case, § 10:54.50
- First Amendment, § 10:5, 10:48, 10:56.70
- Funerals and privacy, § 10:54.60
- Illegally intercepted electronic material, Barnticki v. Vopper decision, § 10:56.50, 10:56.70
- Intrusion (this index)
- Lawfully obtained electronic information, Barnticki v. Vopper decision, § 10:56.70
- Legislation, antipaparazzi legislation, § 10:58
- Newsgathering, surreptitious, § 10:55, 10:56
- Newsworthiness privilege, autopsy photographs, Favish Vince Foster case, § 10:54.50
- Paparazzi, antipaparazzi legislation, § 10:58
- Prior restraints in appropriation and right of publicity cases, § 10:6.75
- Private facts. Publication of Private Facts (this index)
- Prosser, § 10:2
- Publication of Private Facts (this index)
- Publicity, right of
 - generally, § 10:4 to 10:6
 - fantasy sports leagues, § 10:6.30
 - prior restraints, § 10:6.75
 - video games based on real people, § 10:6.40
- Public records, First Amendment, § 10:48

INVASION OF PRIVACY—Cont'd

Subject matter jurisdiction, § 12:4 to 12:7

Surreptitious newsgathering, § 10:55, 10:56

Trade names and appropriation, § 10:4.50

Trafficking in truthful information, *Bartnicki v. Vopper* decision, § 10:56.70

Undercover reporting, § 10:56

Vicarious invasion of privacy, § 10:3

Video games based on real people, right of publicity claims, § 10:6.40

INVENTORS

Limited public figures, § 2:68 to 2:71

INVESTIGATION

Fault, § 3:48 to 3:50, 3:76, 3:86

Negligence, § 3:99

Public figures, § 2:27

INVOLUNTARY VORTEX PUBLIC FIGURES

Generally, § 2:33 to 2:36

IOWA PROJECT

Generally, § 9:98 et seq.

American Arbitration Association, § 9:104

Cost, § 9:102

Dispute resolution procedures, § 9:100

Libel research project, § 9:103

Neutrals, § 9:101

JENNY JONES

Aiding and abetting criminal activity, § 11:57

JEST

Opinion and fair comment, § 6:90

J.N.O.V.

Directed Verdicts (this index)

JOE NAMATH

Inside information sheet, § 6:82

Lou Michaels, Joe Namath's sinister meeting with, § 6:86

JOKES AND PARODY

Rhetorical hyperbole, § 4:15

JOURNALISTIC INITIATIVE, LACK OF

Fault, § 3:49

JOURNALISTIC OR ARTISTIC JUDGMENT

Attorneys, § 13:6

JUDGE ROBERT BORK

Totality of circumstances approach, § 6:58

JUDGES

Classifying plaintiffs, § 2:116 to 2:118

Fair report privilege, § 8:77

Judicial proceedings, participants in, § 8:7

Meaning as defamatory, § 4:38

Opinion and fair comment, § 6:61 to 6:64, 6:67

Public figures and private figures, classifying plaintiff as, § 2:118

Public official, classifying plaintiff as, § 2:117

JUDGMENTS

Defamation and related cases, § 12:89

Foreign judgments, enforcement of, § 12:41 et seq.

Nominal damages, § 9:7 to 9:9

Summary Judgment (this index)

JUDICIAL ACCEPTANCE

Neutral reportage privilege, § 4:100

JUDICIAL PERSONNEL

Generally, § 2:106

Common law privileges, § 8:11

JUDICIAL PROCEEDINGS

Attorneys, § 8:8

Common law privileges, generally, § 8:5 et seq.

Documents, statements in, § 8:9

Extra-judicial activity, § 8:17

Fair report privilege, § 8:69 to 8:71

Governmental bodies, § 8:15

Judges, § 8:7

Judicial personnel, § 8:11

Jurors, § 8:12

Participants in, generally, § 8:5 et seq.

Parties and statements in documents, § 8:9

Press conference, § 8:17

INDEX

JUDICIAL PROCEEDINGS—Cont'd

Qualifications of proceeding as judicial,
§ 8:14 to 8:17

Quasi-judicial function, § 8:15

Questions of law, § 8:18

Relevance of defamatory statement to
proceeding, § 8:13

Special harm, judicial arguments favor-
ing retention of traditional defama-
tion per se rules, § 7:35

Witnesses, § 8:10

JUDICIAL REJECTION

Neutral reportage privilege, § 4:100.50

JUDITH MILLER LITIGATION

Confidential source, § 12:59.50

JURISDICTION

Generally, § 12:1 et seq.

In Personam Jurisdiction (this index)

Internet cases, § 12:24.50

Subject Matter Jurisdiction (this index)

JURY

Directed verdicts, § 12:79

Fair report privilege, § 8:77

Judicial proceedings, participants in,
§ 8:12

Meaning as defamatory, § 4:38

Nominal damages, § 9:7 to 9:9

Opinion and fair comment, § 6:61 to
6:64

Weighing factors, § 7:34

KEETON v. HUSTLER MAGAZINE, INC.

Conflict of laws, § 12:40

In personam jurisdiction, § 12:16

Summary judgment, § 12:73

KNOWLEDGE

Abuse of privilege, § 8:65

Obvious sources, failure to check,
§ 3:56

Sources and tips, reliance on, § 3:59

KOBE BRYANT CASE

Publication of private facts, § 10:48.50

LABOR DISPUTES

Opinion and fair comment, § 6:68

LACHES

Meaning as defamatory, time limits in
seeking equitable relief, § 4:94.50

LANGUAGE

Actual malice, § 3:84

Negligence, § 3:107

Totality of circumstances approach,
§ 6:52

LAW ENFORCEMENT

Fair report privilege, § 8:72

Public officials, § 2:104

LEGAL ADVICE

Journalistic or artistic judgment versus,
§ 13:6

LEGAL REPORTING DUTIES

Workplace defamation, privileges,
§ 15:30.50

LEGAL RESEARCH

Cost reduction in litigation, § 13:13

LEGAL TERMINOLOGY

Actual malice, § 3:84

LEGISLATIVE PROCEEDINGS

Generally, § 8:19 et seq.

Aides and assistants, § 8:21

Committee reports and staff, § 8:22

Common law privileges, § 8:19 et seq.

Fair report privilege, § 8:73

Federal rule, § 8:20 to 8:23

Hutchinson v. Proxmire, § 8:23

Invasion of privacy, antipaparazzi
legislation, § 10:58

Participants in, generally, § 8:19 et seq.

State legislators, § 8:24

Subordinate legislative bodies, § 8:25

Witnesses in legislative proceedings,
§ 8:26

LEGITIMATE PUBLIC CONCERN STANDARD

Intermediate gross irresponsibility stan-
dard, § 3:35

LESS FAMOUS ENTERTAINERS

Generally, § 2:61

LETTER CARRIERS CASE

Opinion and fair comment, § 6:12, 6:13

LETTERS TO EDITOR

- Actual malice, § 3:87
- Opinion and fair comment, § 6:70 to 6:72

LEWIS v. EQUITABLE LIFE

- Workplace publication, § 15:13

LIBEL

- Equitable relief, Annenberg libel reform proposal, § 9:94 to 9:97
- Group Defamation (this index)
- Slander distinction, § 7:31
- Workplace, libel/slander distinction, § 15:24

LIBEL PER QUOD

- Generally, § 7:19 et seq.
- Libel per se, § 7:22
- Per se, use of, § 7:20
- Slander per quod, § 7:25
- Slander per se, § 7:24

LIBEL PER SE

- Libel per quod distinguished, § 7:22

LIBEL-PROOF PLAINTIFF

- Damages, § 9:61

LIBEL RESEARCH PROJECT

- Iowa project, § 9:103

LIMITED PUBLIC FIGURES

- Generally, § 2:20 et seq., 2:55 et seq.
- All purpose public figure distinguished, § 2:57
- Artists, critics, § 2:66
- Attorneys, § 2:73
- Business leaders, § 2:68 to 2:71
- Candidates for public office, § 2:58
- Cautionary note, § 2:56
- Corporate executives, § 2:68 to 2:71
- Critics, § 2:66
- Disciplinary matters, § 2:74
- Education officials, § 2:76.50
- Elusive classification problem, § 2:21
- Entertainers and other personalities, § 2:59 to 2:61
- Entrepreneurs, § 2:68 to 2:71
- Ethical or disciplinary matters, § 2:74
- Famous entertainers, § 2:60
- Inventors, § 2:68 to 2:71
- Legal representation, going beyond, § 2:75

LIMITED PUBLIC FIGURES—Cont'd

- Less famous entertainers, § 2:61
- Multifactor tests, § 2:23
- Past sports figures, § 2:64
- Political consultants, § 2:58.50
- Professionals, § 2:72 to 2:76.50
- Public controversy and plaintiff involvement, § 2:22
- Public office, candidates for, § 2:58
- Relevant factors, § 2:24
- Religious figures and organizations, § 2:67
- Restaurateurs, § 2:71.50
- Sports figures, § 2:62 to 2:65
- Tavoulareas holding, § 2:70
- Writers, artists, critics, § 2:66

LIMITED PURPOSE CONCEPT

- Public figures, § 2:16 to 2:19

LINGUISTIC EXPERTS

- Meaning as defamatory, § 4:37

LITERARY AND ARTISTIC CRITICISM

- Opinion and Fair Comment (this index)

LITERARY EMBELLISHMENTS

- Minor inaccuracies in detail, § 5:25

LITIGATION

- Generally, § 12:1 et seq.

LIVE BROADCASTS

- Actual malice, § 3:77

LOATHSOME DISEASE

- Slander per se, § 7:17

LOCAL ALL PURPOSE PUBLIC FIGURE

- Publication, extent of, § 2:52

LOCAL VORTEX PUBLIC FIGURE

- Publication, extent of, § 2:53

LOHRENZ VS. DONNELLY

- Public figures, § 2:35.50

LONG ARM STATUTES

- In personam jurisdiction, § 12:24

LOWER COURT DECISIONS AND TREATMENT

- Confidential source, § 12:58
- Emotional distress, § 11:10

INDEX

LOWER COURT DECISIONS AND TREATMENT—Cont'd

- False light invasion of privacy, § 10:16
- Opinion and Fair Comment (this index)
- Passage of time on public figure status, effect of, § 2:48
- Types of false light claims, § 10:17

LYRICS

- Opinion and fair comment, § 6:99

MAJOR CORPORATIONS

- All purpose public figures, § 2:85

MAJORITY PARTICULARIZED APPROACH

- Corporations, § 2:98, 2:98.50

MAJORITY POSITION

- Generally, § 6:62, 6:64

MALICE

- Actual Malice (this index)
- Burden of proof in establishing malice and negligence, § 3:24
- Common law malice, § 3:46, 3:47, 8:63, 9:44
- Constitutional standards, § 3:3, 3:6
- Injurious falsehood, § 11:40
- Public officials, § 2:110
- Punitive damages, § 9:44
- States adopting actual malice in private figure cases, § 3:31

MALPRACTICE

- Negligence, professional malpractice model, § 3:89 to 3:92

MASSON v. NEW YORKER MAGAZINE, INC.

- Actual malice, § 3:41
- Truth, minor inaccuracies in detail, § 5:26, 5:27

MATTERS OF PUBLIC CONCERN STANDARD

- Fault, § 3:18 to 3:21

MEANING AS DEFAMATORY

- Generally, § 4:1 et seq.
- Abuse, § 4:7 to 4:10
- Alternative statements, § 4:10
- American approach, § 4:4, 4:5
- Anonymity and the Internet, § 4:86.50
- Broadcasts, § 4:32

MEANING AS DEFAMATORY —Cont'd

- Captions, § 4:25 to 4:29
- Cartoons, § 4:33
- Construction and interpretation, § 4:20 to 4:23, 4:26, 4:27
- Corporations, § 4:75
- Death, no defamation of dead, § 4:73
- Definition of defamatory, § 4:1
- English approach, § 4:3
- Epithets, § 4:7 to 4:10
- Equitable relief, laches and time limits, § 4:94.50
- Evidence, § 4:37
- Evidence of how actual recipients understood the statement is probative of how average or reasonable recipients could understand it, § 4:2.50
- Experts, § 4:37
- Extrinsic facts, § 4:18
- Fact/opinion distinction, relation to, § 4:12
- Future conduct, § 4:36
- Governmental entities, § 4:76
- Greenbelt v. Bresler, § 4:13
- Group Defamation (this index)
- Headlines, § 4:25 to 4:29
- Hustler v. Falwell, § 4:14
- Identity (this index)
- Implication, defamation through generally, § 4:16 to 4:19.50 context, significance of, § 4:17 examples, § 4:19 extrinsic facts, § 4:18 “inducement,” § 4:18 “innuendo,” § 4:18 lying, denial of wrongdoing by implying accuser is, § 4:19.50
- Inducement, § 4:18
- Innocent construction rule, § 4:22
- Innuendo, § 4:18
- Insults, § 4:7 to 4:10
- Internet, anonymity and, § 4:86.50
- Jokes and parody, § 4:15
- Judge, role of, § 4:38
- Jury, role of, § 4:38
- Laches and time limits in seeking equitable relief, § 4:94.50
- Limitations on American approach, § 4:5

MEANING AS DEFAMATORY

—Cont'd

- Linguistic experts, use of, § 4:37
- Lying, denial of wrongdoing by implying accuser is, § 4:19.50
- Mere abuse, § 4:8
- Misquotations, § 4:35
- Name-calling, § 4:7 to 4:10
- Normal and sensational headlines, distinguishing between, § 4:28
- Note on photograph captions, § 4:29
- Of and concerning plaintiff. Identity (this index)
- Passage of Time (this index)
- Photographs, § 4:29, 4:31
- Publication (this index)
- Publicity efforts, § 4:25 to 4:29
- Quotes, misquotations, § 4:35
- Reasonable construction rule, § 4:21
- Recipient approach
 - generally, § 4:2 et seq.
 - American approach, § 4:4, 4:5
 - English approach, § 4:3
 - limitations on American approach, § 4:5
 - “majority” of recipients, § 4:5.50
 - passage of time, § 4:6
 - “reasonable” recipient, § 4:5.50
- Rhetorical hyperbole
 - generally, § 4:11 et seq.
 - fact/opinion distinction, relation to, § 4:12
 - Greenbelt v. Bresler, § 4:13
 - Hustler v. Falwell, § 4:14
 - jokes and parody, § 4:15
- Sensational headlines, § 4:28
- Single instance rule, § 4:23
- Social science evidence, use of, § 4:37
- Song lyrics, § 4:34
- Teases, § 4:25 to 4:29
- Verbal abuse, § 4:7 to 4:10
- Vicarious defamation, § 4:74
- Visual defamation, § 4:30 to 4:32
- Workplace, § 15:15 to 15:17

MECHANICAL ERRORS

- Negligence, § 3:109 to 3:110

MEDIA CASES AND CLIENTS

- All purpose public figures, § 2:91
- Attorneys, § 13:1 to 13:4

MEDIA CASES AND CLIENTS

—Cont'd

- Counterclaims, § 13:14
- Emotional distress, § 11:8, 11:33
- First Amendment and media/nonmedia distinction, § 3:11 et seq.
- Intrusion
 - government partnership, surreptitious surveillance, § 10:36.70
 - media “ride-alongs,” § 10:36.50
- Media sue media, § 13:16
- Publicity, § 13:30
- Retraction, § 9:74
- Strict liability in suits not involving matters of public concern, § 3:9
- Subject matter jurisdiction, § 12:6

MEDICAL OPINION

- Opinion and fair comment, § 6:67.50, 6:76.50

MEMORY

- Actual malice, § 3:83

MENTAL ANGUISH

- Emotional Distress (this index)

MENTAL DISTURBANCE

- Emotional distress, negligent infliction, § 11:30

MERE ABUSE

- Meaning as defamatory, § 4:8

MILITARY FUNERAL PROTESTS

- Emotional distress, § 11:13.50

MILITARY PERSONNEL

- Generally, § 2:106
- Group defamation, Stolen Valor Act, § 4:70.50

MILKOVICH v. LORAIN JOURNAL CO.

- Opinion and fair comment, § 6:2 et seq., 6:15 et seq.
- Strict liability in suits not involving matters of public concern, § 3:10

MINIMUM CONTACTS

REQUIREMENT

- In personam jurisdiction, § 12:12 to 12:14

MINOR ERRORS

- False light invasion of privacy, § 10:23

INDEX

MINOR INACCURACIES IN DETAIL

Truth (this index)

MINORITY POSITION

Opinion and fair comment, § 6:63, 6:64
Workplace, § 15:8, 15:9

MINORITY PUBLIC INTEREST APPROACH

Corporations, § 2:97

MINORS

Negligent publication, violent material
and children, § 11:50.50

MISINFORMATION

Negligent publication, § 11:49

MISLEADING SEQUENCING OF EVENTS

Reporting and editing process, § 3:74

MISQUOTATIONS

Meaning as defamatory, § 4:35

MISUSE OF LANGUAGE OR LEGAL TERMINOLOGY

Actual malice, § 3:84
Negligence, § 3:107

MITIGATION OF DAMAGES

Damages (this index)

MIXED OPINION

Generally, § 6:28 to 6:31

MOLDEA v. NEW YORK TIMES CO.

Opinion and Fair Comment (this index)

MORAL TURPITUDE

Slander per se, § 7:13

MOST SIGNIFICANT RELATIONSHIP APPROACH

Conflict of laws, § 12:35

MOTIONS

Discovery, confidential source privilege
invoked, § 12:56.50
Summary judgment, § 2:119 to 2:121,
12:68.50, 12:75.50

MULTIFACTOR TESTS

Limited public figure standard, § 2:23

MUSIC LYRICS

Opinion and fair comment, § 6:99

NAME

Constitutional status of “of and concern-
ing” requirement, § 4:40.50
Identity, references need not be by
name, § 4:40, 4:40.20, 4:40.50

NAME-CALLING

Meaning as defamatory, § 4:7 to 4:10
Opinion and fair comment, § 6:90

NATURAL BORN KILLERS

Aiding and abetting criminal activity,
§ 11:56

NEGATIVE PUBLIC IMAGE

Actual harm to reputation, proof of,
§ 9:34

NEGLIGENCE

Generally, § 3:88 et seq.
Abuse of privilege, § 8:64
Conclusions, negligence in form of,
§ 3:103 to 3:105
Conditional privileges, § 8:44
Constitutional definition, § 3:88
Contradictory information, § 3:105
Cost/benefit approach, § 3:96
Custom, role of, § 3:92
Deadlines, § 3:111
Definition, § 3:88
Determination of, § 3:95 to 3:98
Emotional Distress (this index)
Errors, mechanical, § 3:109 to 3:110
Expert testimony, role of, § 3:92
Fault, generally, § 3:4, 3:24, 3:30
Gertz, § 3:88
Gertz cases, presumed damages, § 9:21
Inferences, negligence in form of,
§ 3:103 to 3:105
Internal procedures, § 3:109 to 3:110
Interpretations, negligence in form of,
§ 3:103 to 3:105
Investigation, failure to pursue, § 3:99
Language, misuse of, § 3:107
Malpractice, § 3:89 to 3:92
Mechanical errors or lapses in internal
procedures, § 3:109 to 3:110
Misuse of language or legal terminol-
ogy, § 3:107
Note taking, § 3:106
Official sources, unreasonable reliance
on sources, § 3:102

NEGLIGENCE—Cont'd

- Ordinary reasonable person model, § 3:93
- Professional malpractice model, § 3:89 to 3:92
- Publication. Negligent Publication (this index)
- Quoting sources, § 3:106
- Recurring negligence problems, § 3:98
- Reliance, unreasonable reliance on sources, § 3:100 to 3:102
- Res ipsa loquitur, § 3:94
- Restatement's adoption of professional model, § 3:91
- Summary judgment, § 12:76, 12:77
- Terminology, misuse of, § 3:107
- Time pressures and deadlines, § 3:111
- Training or vetting procedures, § 3:110.50
- Unreasonable reliance on sources, § 3:100 to 3:102

NEGLIGENT PUBLICATION

- Generally, § 4:79, 11:48 to 11:51
- Children, violent material and, § 11:50.50
- Criminal solicitations, liability for publication of, § 11:51
- Faulty instructions and misinformation, § 11:49
- Inducement of self-destructive behavior, § 11:50
- Violent material and children, § 11:50.50

NETWORKS, ON-LINE

- Publication, § 4:83 to 4:86.50

NEUTRALITY PRINCIPLE

- Group defamation, hate speeches, § 4:55
- Summary judgment, § 12:72 to 12:74

NEUTRAL REPORTAGE PRIVILEGE

- Republication (this index)

NEUTRALS

- Iowa project, § 9:101

NEWS GATHERING

- In personam jurisdiction, § 12:21
- Intrusion, § 10:33 to 10:36.60
- Invasion of privacy, § 10:55, 10:56

NEWSPWORTHINESS PRIVILEGE

- Invasion of privacy, autopsy photographs, § 10:54.50
- Publication of Private Facts (this index)

NEW YORK TIMES CO. v. SULLIVAN

- Cause of action, § 1:6 to 1:9
- Constitutional law, § 1:17
- Opinion and fair comment, § 6:20
- Public Figures (this index)
- Public officials, § 2:113, 2:114

NEW ZEALAND LAW

- Generally, § 1:9.85

NEXUS

- In personam jurisdiction, § 12:19
- Newsworthiness privilege, § 10:51
- Slander per se, § 7:16

1958 COLTS VERSUS GIANTS PLAYOFF

- Opinion and fair comment, § 6:83

NOMINAL DAMAGES

- Generally, § 9:5 et seq.
- Constitutional questions, § 9:10
- Judgment of jury, § 9:7 to 9:9
- Jury's judgment, § 9:7 to 9:9
- Preference of plaintiff, § 9:6
- Punitive damages, peg for, § 9:9

NON-DISCLOSURE AGREEMENTS

- Generally, § 12:88

NON-DISPARAGEMENT AGREEMENTS

- Generally, § 12:88

NON-GOVERNMENT EMPLOYEE

- Public official, treatment by court as, § 2:108.50

NOTES

- Destruction of by reporters, § 13:15
- Meaning as defamatory, note on photograph captions, § 4:29
- Negligence, § 3:106

NOTICE

- Retraction, § 9:75 to 9:78

OBJECTIVE EVIDENCE

- Actual malice, § 3:42 to 3:45

INDEX

OBVIOUS SOURCES

Actual Malice (this index)

OF AND CONCERNING

Identity (this index)

OFFENSIVE

False light invasion of privacy, § 10:12

Nondefamatory statement be offensive,
§ 10:13

Publication of private facts, § 10:42

OFFICIAL ACTION

Fair report privilege, § 8:70

OFFICIALS

Executive and Administrative Officials
(this index)

Public Officials (this index)

OFFICIAL SOURCES

Negligence, § 3:102

OLLMAN v. EVANS

Opinion and Fair Comment (this index)

OMISSIONS

Publication through act of, § 4:82

ON-LINE COMPUTER NETWORKS

Generally, § 4:83 to 4:86.50

OP-ED ARTICLES

Opinion and fair comment, § 6:70 to
6:72

OPINION AND FAIR COMMENT

Generally, § 6:1 et seq.

Abusive language, § 6:90

Academic and scientific disputes,
§ 6:67.60

Allegations, § 6:79, 6:89

Appeals, court of, generally, § 6:80 et
seq.

Artistic criticism. Literary and artistic
criticism, below

Bresler case, § 6:13

Broader social context of speech, § 6:55

Burden of proof on falsity issue, rela-
tionship to, § 6:46

Campaigns, political campaigns, § 6:69

Carroll Rosenbloom story, reviving of,
§ 6:85

Cartoons, § 6:70 to 6:72

Cautionary language, § 6:54

Commercial disputes, § 6:91

OPINION AND FAIR COMMENT

—Cont'd

Common law, generally, § 6:3 et seq.

Common usage or meaning of language,
§ 6:52

Compromise position, § 6:37

Construction and interpretation
factual statements embedded in
opinion, construction “as a
whole,” § 6:41.50

lower court interpretations of
Milkovich, below

Criminal activity, allegations of, § 6:89

Criticism. Literary and artistic criticism,
below

Deductive opinions, § 6:33

Defamatory opinions, § 6:60

Denial of wrongdoing, implying accuser
is lying, § 6:89.50

Dishonestly maintained evaluative
opinions, § 6:35 to 6:37

Editor, letters to, § 6:70 to 6:72

Evaluative opinions, § 6:34 to 6:37

Evidence, dishonestly maintained evalu-
ative opinions, § 6:36

Facebook, § 6:70.50

Fact/opinion distinction, generally,
§ 6:66 et seq.

Factually laden opinions, § 6:41

Factual statements embedded in opinion,
§ 6:41.50

Fair comment, generally, § 6:3 et seq.

First Amendment analysis, § 6:24, 6:74,
6:74.50

Food, § 6:88

Gertz case, § 6:11, 6:13

Greenbelt v. Bresler, § 6:10

Hinerman decision, § 6:72

Hustler v. Falwell decision, § 6:14

Hybrid opinions, § 6:41, 6:43

Ideologically amorphous statements,
§ 6:73

Immuno decision, § 6:23 to 6:26

Informational opinions, § 6:38

Information control three part version,
§ 6:48

Inside information sheet, Joe Namath
and, § 6:82

Interest-related conditional privileges,
§ 8:59

Internet message boards, § 6:70.50

OPINION AND FAIR COMMENT**—Cont'd**

Jest, § 6:90
 Joe Namath, § 6:82, 6:86
 Judge Robert Bork's political arena innovation, § 6:58
 Judges, § 6:61 to 6:64, 6:67
 Judicial variations to Restatement approach
 generally, § 6:39 et seq.
 examples, § 6:42
 factually laden opinions, § 6:41
 hybrid opinions, § 6:41, 6:43
 pure opinion, § 6:40
 underlying predicate facts must be true, § 6:43.50
 Jury, role of, § 6:61 to 6:64
 Labor disputes, § 6:68
 Language, common usage or meaning of, § 6:52
 Lawyers, § 6:67
 Letter Carriers case, § 6:12, 6:13
 Letters to the editor, § 6:70 to 6:72
 Literary and artistic criticism
 generally, § 6:75 et seq.
 allegations, § 6:79
 appeals, court of, generally, § 6:80 et seq.
 Carroll Rosenbloom story, reviving of, § 6:85
 inside information sheet, Joe Namath and, § 6:82
 Joe Namath and inside information sheet, § 6:82
 Joe Namath's sinister meeting with Lou Michaels, § 6:86
 Moldea v. New York Times Co., generally, § 6:77 et seq.
 1958 Colts versus Giants playoff, § 6:83
 review, text of, § 6:78
 sloppy journalism, too much, § 6:81
 warmed over hot stuff, § 6:84
 Lower court cases on religious opinion, § 6:74.50
 Lower court interpretations of Milkovich
 generally, § 6:22 et seq.
 First Amendment analysis, § 6:24
 Immuno decision, § 6:23 to 6:26
 state law analysis, § 6:25

OPINION AND FAIR COMMENT**—Cont'd**

Lying, denial of wrongdoing, implying accuser is, § 6:89.50
 Lyrics, § 6:99
 Majority position, § 6:62, 6:64
 Medical opinions, § 6:67.50, 6:76.50
 Milkovich v. Lorain Journal Co., generally, § 6:2 et seq., 6:15 et seq.
 Minority position, § 6:63, 6:64
 Mixed opinion vs. pure opinion, § 6:28 to 6:31
 Moldea v. New York Times Co. Literary and artistic criticism, above
 Music lyrics, § 6:99
 Name-calling, § 6:90
 New York Times, court's treatment of, § 6:20
 1958 Colts versus Giants playoff, § 6:83
 Ollman v. Evans, generally, § 6:49 et seq.
 Op-Ed articles, § 6:70 to 6:72
 Political arena, § 6:58
 Political arena and public controversy factors, § 6:57 to 6:59
 Political campaigns, § 6:69
 Political cartoons, § 6:70 to 6:72
 Private figures, § 6:65
 Psychological opinions, § 6:67.50, 6:76.50
 Public controversy, § 6:57 to 6:59
 Public figures, § 6:65
 Public officials, § 6:65
 Pure opinion vs. mixed opinion, § 6:28 to 6:31
 Religious opinion, § 6:74, 6:74.50
 Restatement (Second) approach to pure opinion and mixed opinion
 generally, § 6:28 et seq.
 compromise position, dishonestly maintained evaluative opinions, § 6:37
 deductive opinions, § 6:33
 dishonestly maintained evaluative opinions, § 6:35 to 6:37
 evaluative opinions, § 6:34 to 6:37
 evidence, dishonestly maintained evaluative opinions, § 6:36
 informational opinions, § 6:38
 Restaurant and food critiques, § 6:88
 Revival of story, § 6:85

OPINION AND FAIR COMMENT

—Cont'd

- Ridicule, § 6:90
- Scientific disputes, § 6:67.60
- Sinister meeting, § 6:86
- Sloppy journalism, too much, § 6:81
- Social context, § 6:55
- Social media, § 6:70.50
- Speeches, § 6:55
- State law analysis, § 6:25
- Supreme Court
 - generally, § 6:9 et seq.
 - Bresler case, § 6:13
 - common law, court's treatment of, § 6:19
 - Gertz case, § 6:11, 6:13
 - Greenbelt v. Bresler, § 6:10
 - Hustler v. Falwell decision, § 6:14
 - Letter Carriers case, § 6:13
 - Letter Carriers holding, § 6:12
 - lower court interpretations of
 - Milkovich, above
 - Milkovich v. Lorain Journal Co. decision, generally, § 6:15 et seq.
 - New York Times, court's treatment of, § 6:20
 - opinion, court's treatment of, § 6:21
- Talk Shows (this index)
- Totality of circumstances approach
 - generally, § 6:47 et seq.
 - broader social context of speech, § 6:55
 - cautionary language, § 6:54
 - common usage or meaning of language, § 6:52
 - information control three part version, § 6:48
 - Judge Robert Bork's political arena innovation, § 6:58
 - Ollman v. Evans, generally, § 6:49 et seq.
 - political arena and public controversy factors, § 6:57 to 6:59
 - verifiability, § 6:53
- Truth of underlying predicate facts, judicial variations on Restatement, § 6:43.50
- Twitter, § 6:70.50
- Underlying predicate facts, truth of, § 6:43.50
- Verifiability, § 6:44 to 6:46, 6:53

OPINION AND FAIR COMMENT

—Cont'd

- Warmed over hot stuff, § 6:84
 - Workplace, § 15:15 to 15:17
- OPRAH WINFREY LITIGATION**
- Food disparagement laws, § 16:3
- ORDINARY REASONABLE PERSON MODEL**
- Negligence, § 3:93
- ORIGINATOR**
- Republication, § 4:91
- OUTING OF PRIVATE FACTS**
- Newsworthiness privilege, § 10:54
- OUTRAGE**
- Emotional Distress (this index)
- OUTRAGEOUS CONDUCT**
- Emotional distress, § 11:5
- PAPARAZZI**
- Intrusion, § 10:32
 - Invasion of privacy, § 10:58
- PASSAGE OF TIME**
- Meaning as defamatory
 - laches and time limits in seeking equitable relief, § 4:94.50
 - recipient approach, § 4:6
 - Newsworthiness privilege, § 10:53
 - Public Figures (this index)
- PAST SPORTS FIGURES**
- Limited public figures, § 2:64
- PECUNIARY INTEREST**
- Injurious falsehood, § 11:37
- PECUNIARY LOSS**
- Injurious falsehood, § 11:45
- PER QUOD**
- Hybrid per se/per quod, § 7:26 to 7:29
 - Workplace, § 15:18
- PER SE**
- Hybrid per se/per quod, § 7:26 to 7:29
 - Special harm, traditional rules of defamation per se, § 7:35
 - Workplace, § 15:18
- PERVASIVE INFLUENCE**
- Corporations, § 2:96

PETITIONS

Interest-related conditional privileges,
§ 8:54

**PHILADELPHIA NEWSPAPERS, INC.
v. HEPPS**

Private figure cases, § 5:9

PHOTOGRAPHS

Defamatory meaning, reference need not
be by name, § 4:40.20

False light invasion of privacy, § 10:20

Meaning as defamatory, § 4:31

Note on photograph captions, § 4:29

Protest activity involving surveillance
and video or photographs,
§ 10:39.75

Publication of private facts, § 10:39.50

**PHYSICAL MANIFESTATION
POSITION**

Emotional distress, negligent infliction,
§ 11:31

PHYSICAL PRESENCE

In personam jurisdiction, § 12:12 to
12:14

PLEADING CONSIDERATIONS

Generally, § 12:47 et seq.

Anti-SLAPP legislation, issues,
§ 12:51.50

Damages, special, § 12:50

Fault, required level, § 12:49

Of and concerning requirement, § 12:48

POINT OF VIEW, EDITORIAL

Fault, § 3:67

**POLICY-MAKING AUTHORITY AND
RESPONSIBILITY**

Public officials, § 2:108

Vicarious liability of employee, § 3:115

POLITICAL ACTS AND MATTERS

All purpose public figures, § 2:82, 2:84,
2:86

False electioneering and false political
advertising, § 4:102

First Amendment and corporate/
noncorporate political speech
discrimination, § 3:13 et seq.

Freedom of speech, § 1:31

Opinion and fair comment, § 6:57 to
6:59, 6:69 to 6:72

POLITICAL CONSULTANTS

Limited public figures, § 2:58.50

POLSBY v. SPRUILL

Identity, § 4:49

PRECEDENT

Hybrid per se/per quod, § 7:29

PRECISION PRINCIPLE

Group defamation, hate speeches, § 4:59

PRECLUSION

Confidential source, § 12:66

PRECONCEIVED STORY LINES

Fault, § 3:71

PREEXISTING CONTROVERSY

Public figures, § 2:26 to 2:28

PREFERENCE

Nominal damages, § 9:6

Summary judgment, § 12:74

PRELIMINARY FACTS

Appeal and review, § 12:86

PREPONDERANCE OF EVIDENCE

Fault, § 3:26

PRESS CONFERENCE

Judicial proceedings, participants in,
§ 8:17

PRESUMED DAMAGES

Generally, § 9:16 et seq.

Actual malice, § 9:19

Constitutional law, § 9:18 to 9:21

Dun & Bradstreet, § 9:20

Function and rationale, § 9:17

Gertz negligence cases, § 9:21

PRESUMED HARM

Actual damages, § 9:29

Special harm, § 7:2, 7:4, 7:5

PRESUMPTIONS

Confidential source, § 12:66

PREVENTATIVE COUNSELING

Attorneys, § 13:5 to 13:7

PRIMARY PUBLISHERS

Republication, § 4:92

INDEX

PRINCESS DIANA

Intrusion, paparazzi and death of
Princess Diana, § 10:32

PRINTED MATTER

False light invasion of privacy, § 10:22

PRIOR BAD ACTS

Damages, § 9:60

PRIOR PUBLICATION

Damages, § 9:62

PRIOR RECOVERIES OR SETTLEMENTS

Generally, § 9:63

PRIOR REPUTATION

Damages, § 9:57 to 9:61

PRIOR RESTRAINTS

Equitable relief, § 9:86
Invasion of privacy, appropriation and
right of publicity cases, § 10:6.75

PRIVACY, INVASION OF

Invasion of Privacy (this index)

PRIVATE FACTS

Publication of Private Facts (this index)

PRIVATE FIGURES

Emotional distress, § 11:13, 11:27
Fault, § 3:28, 3:30, 3:31
Opinion and fair comment, § 6:65
Republication, neutral reportage privilege,
§ 4:101
Talk shows, § 6:95
Truth
 generally, § 5:5 et seq.
 Cox Broadcasting case, § 5:7
 Dun & Bradstreet case, § 5:6
 Firestone case, § 5:8
 Gertz case, § 5:6
 Philadelphia Newspapers, Inc. v.
 Hepps, § 5:9
 private figure cases, burden of proof,
 § 5:13

PRIVATE MATTERS

Intrusion, § 10:34

PRIVATE SPEECHES

Emotional distress, § 11:27
Group defamation, hate speeches, § 4:66

PRIVILEGES

Absolute Privileges (this index)
Abuse of Privileges (this index)
Conditional Privileges (this index)
Confidential Source (this index)
Fair Report Privilege (this index)
Injurious falsehood, § 11:41, 11:42
Interest-Related Conditional Privileges
(this index)
Neutral reportage privilege. Republica-
tion (this index)
Newsworthiness privilege. Publication
of Private Facts (this index)
Publication of Private Facts (this index)
Qualified First Amendment privilege,
§ 12:57 to 12:59
Reporter's Privilege (this index)
Republication (this index)
Workplace, § 8:53, 15:29 to 15:31

PROCURED PUBLICATION

Republication, § 4:95

PRODIGY DECISION

Publication, § 4:85

PROFESSION

Slander per se, § 7:14 to 7:16

PROFESSIONAL MALPRACTICE MODEL

Negligence, § 3:89 to 3:92

PROFESSIONALS

Educational officials, limited public
figures, § 2:76.50
Limited public figures, § 2:72 to 2:76.50

PROMINENCE IN CONTROVERSY

Public figures, § 2:43

PROMISE

Publication of private facts, § 10:41

PROSSER

Invasion of privacy, § 10:2

PROTECTION OF PERSONS OR PROPERTY

Group defamation, hate speeches, § 4:63

PROTECTIVE ORDERS

Confidential source, protective orders
and third-party discovery,
§ 12:66.50

PROTESTS

Emotional distress, military funeral protests, § 11:13.50

PROVOCATION

Evidence of provocation by plaintiff, § 9:65

PSYCHOLOGICAL COST

Truth, § 5:35

PSYCHOLOGICAL OPINION

Opinion and fair comment, § 6:67.50, 6:76.50

PUBLICATION

See also Publisher (this index)

Actual Malice (this index)

Common law privileges
generally, § 8:36, 8:61 to 8:63
reports to government agencies,
§ 8:36.50, 8:37

Communications Decency Act, § 4:86

Computers, on-line computer networks,
§ 4:83 to 4:86.50

Conflict of laws, § 12:33

Cubby v. Compuserve decision, § 4:84

Damages, § 9:55, 9:62

Decency Act, § 4:86

Fault, § 3:56, 3:79

Federal immunity created by Communications Decency Act, § 4:86

Government agencies, reports to,
§ 8:36.50, 8:37

Immunity, § 4:86

Injurious falsehood, § 11:38

Intentional publication, § 4:79

Meaning as defamatory, generally,
§ 4:77 et seq.

Negligent publication, § 4:79, 11:48 to 11:51

Networks, on-line computer networks,
§ 4:83 to 4:86.50

Omission, publication through act of,
§ 4:82

On-line computer networks, § 4:83 to 4:86.50

Private facts. Publication of Private Facts (this index)

Prodigy decision, § 4:85

Publication of Private Facts (this index)

Public Figures (this index)

Repetition by plaintiff, § 4:81

PUBLICATION—Cont'd

Reports to government agencies,
§ 8:36.50, 8:37

Will, defamation by, § 4:80

Workplace (this index)

PUBLICATION OF PRIVATE FACTS

Generally, § 10:37 et seq.

Access cases, § 10:46

AIDS and outing, § 10:54

Audio, § 10:39.50

Butterworth decision, § 10:48

Confidential relationship, breach of,
§ 10:40

Constitutional law restraints

autopsy photographs, § 10:54.50

Favish Vince Foster case, § 10:54.50

newsworthiness privilege, autopsy
photographs, Favish Vince Foster case, § 10:54.50

Constitutional law restrictions, generally, § 10:43 et seq.

Cox Broadcasting Corp. v. Cohn,
§ 10:45

Definition, § 10:47, 10:50

Disclosure, § 10:38, 10:42, 10:54

First Amendment standards, § 10:48

Images, § 10:39.50

Informational privacy, constitutional
right, § 10:43.50

Intrusiveness, balancing against, § 10:52

Invasion of privacy, generally, § 10:37
et seq.

Kobe Bryant case, § 10:48.50

Newsworthiness privilege

generally, § 10:49 et seq.

AIDS, § 10:54

definition, § 10:50

intrusiveness, balancing against,
§ 10:52

nexus requirement, § 10:51

outing, § 10:54

passage of time, § 10:53

public disclosure, § 10:54

Nexus requirement, § 10:51

Offensive, § 10:42

Outing, § 10:54

Passage of time, § 10:53

Photographs, § 10:39.50

Prior restraints, § 10:48.50

PUBLICATION OF PRIVATE FACTS—Cont'd

- Privilege. Newsworthiness privilege, above
- Promise, breach of promise by reporter, § 10:41
- Protest activity involving surveillance and video or photographs, § 10:39.75
- Public disclosure, § 10:38, 10:54
- Public records
 - generally, § 10:44 et seq.
 - access cases, § 10:46
 - Butterworth decision, § 10:48
 - Cox Broadcasting Corp. v. Cohn, § 10:45
 - definition of public record, § 10:47
 - First Amendment standards, § 10:48
- Reasonable person, § 10:42
- Reporter, breach of promise by, § 10:41
- Revenge porn, § 10:40.10
- Sexual abuse cases, inadvertently released material, § 10:48.50
- Video, § 10:39.50

PUBLIC CONCERN

- Intermediate gross irresponsibility standard, § 3:35
- Private figure cases involving matters of public concern, § 3:28

PUBLIC CONTROVERSY

- Limited public figure standard, § 2:22
- Totality of circumstances approach, § 6:57 to 6:59

PUBLIC DISCLOSURE

- Private facts, publication of, § 10:38, 10:42, 10:54

PUBLIC DIVISIVENESS

- Public figures, § 2:38 to 2:41

PUBLIC FIGURES

- Generally, § 2:1 et seq.
- Absolutists, § 2:7
- Acceptance of media attention, § 2:32
- Access to counterspeech, § 2:37
- Access to media rationale, § 2:13
- All Purpose Public Figures (this index)
- Assumption of risk rationale, § 2:14
- Attention of media, § 2:32
- Black opinion, § 2:7

PUBLIC FIGURES—Cont'd

- Bootstrap problem, § 2:25
- Box score, § 2:8
- Constitutional standards, § 3:2
- Contemporaneous reporting vs. historical reporting, § 2:46, 2:47
- Context public figure, § 2:51
- Controversy, § 2:22, 2:26 to 2:28
- Corporations (this index)
- Counterspeech, access to, § 2:37
- Dameron decision, § 2:35
- Divisiveness, public, § 2:38 to 2:41
- Douglas opinion, § 2:7
- Dun & Bradstreet and public official and public figure cases, § 3:22
- Elusive classification problem, § 2:21
- Extension of New York Times to public figures, generally, § 2:4 to 2:8
- Fading of public figure status, § 2:49
- Firestone case, § 2:17
- Flexible solution, § 2:28
- Gertz v. Robert Welch, Inc., § 2:12
- Harlan opinion, § 2:5
- Historical reporting vs. contemporaneous reporting, § 2:46, 2:47
- Hutchinson case, § 2:19
- Influence, plaintiff's efforts to, § 2:42
- Investigative reporting, problems attending, § 2:27
- Involuntary vortex public figure, § 2:33 to 2:36
- Judge, § 2:118
- Justice Clarence Thomas' critique of New York Times, § 2:3.50
- Limited Public Figures (this index)
- Limited purpose concept, § 2:16 to 2:19
- Litigation strategy, § 2:54
- Local all purpose public figure, § 2:52
- Local vortex public figure, § 2:53
- Lohrenz vs. Donnelly, § 2:35.50
- Lower court treatment, § 2:48
- Modern approach, § 2:10 to 2:12
- Multifactor tests, § 2:23
- New York Times Co. v. Sullivan, generally, § 2:1 to 2:3
- Nonparticipants, interests of, § 2:29
- Opinion and fair comment, § 6:65
- Participation, voluntary, § 2:32

PUBLIC FIGURES—Cont'd

- Passage of time on public figure status, effect of
 - generally, § 2:44 et seq.
 - contemporaneous reporting vs. historical reporting, § 2:46, 2:47
 - fading of public figure status, § 2:49
 - historical reporting vs. contemporaneous reporting, § 2:46, 2:47
 - lower court treatment, § 2:48
- Preexisting controversy requirement, § 2:26 to 2:28
- Prominence in controversy, plaintiff's, § 2:43
- Publication, extent of
 - generally, § 2:50 et seq.
 - all purpose public figure, local, § 2:52
 - context public figure, § 2:51
 - litigation strategy, § 2:54
 - local all purpose public figure, § 2:52
 - local vortex public figure, § 2:53
- Public controversy and plaintiff involvement, § 2:22
- Public divisiveness, § 2:38 to 2:41
- Relevant factors, § 2:24
- Religious figure, plaintiff found not to be public figures, § 2:67.50
- Response to public attack, status as public figure, § 2:37.50
- Short-lived public interest approach, § 2:9
- Subcategories of public figures, § 2:15
- Summary judgment, § 12:75
- Time. Passage of time on public figure status, effect of, above
- Truth, § 5:4, 5:12
- Voluntary involvement of plaintiff, § 2:30 to 2:32
- Voluntary participation vs. voluntary acceptance of media attention, § 2:32
- Vortex public figures
 - generally, § 2:16 to 2:19
 - involuntary vortex public figures, § 2:33 to 2:36
 - local vortex public figure, § 2:53
- Warren opinion, § 2:6
- Wolston case, § 2:18, 2:40, 2:41

PUBLIC IMAGE

- Actual harm to reputation, proof of, § 9:33, 9:34

PUBLIC INTEREST

- Interest-related conditional privileges, § 8:58

PUBLICITY

- Fantasy sports leagues, § 10:6.30
- Meaning as defamatory, § 4:25 to 4:29
- Media trials, publicity surrounding, § 13:30
- Right of
 - generally, § 10:4 to 10:6
 - fantasy sports leagues, § 10:6.30
 - prior restraints, § 10:6.75

PUBLIC MATTERS

- Intrusion, § 10:34
- Talk shows, § 6:94

PUBLIC OFFICE

- Limited public figures, § 2:58

PUBLIC OFFICIALS

- Generally, § 2:99 et seq.
- Absolute immunity for criticism of public official, § 2:112 to 2:115
- Access to press, policy-making authority and, § 2:108
- Administrative, and military personnel, § 2:106
- Comment on public officials, scope of, § 2:109 to 2:111
- Definition, § 2:99 to 2:102
- Elected officials, § 2:105
- Employees, not all public employees covered, § 2:100
- Fault, § 3:2, 3:22
- Framework for analysis, § 2:111
- Immunity, § 2:112 to 2:115
- Judge, § 2:117
- Judicial, administrative, and military personnel, § 2:106
- Law enforcement personnel, § 2:104
- Malice standard, application of, § 2:110
- Military personnel, § 2:106
- New York Times holding, § 2:113, 2:114
- Non-government employees, § 2:108.50
- Opinion and fair comment, § 6:65
- Policy-making authority and access to press, § 2:108
- School personnel, § 2:107
- Sharon case, § 2:115
- Termination from office, § 2:102

INDEX

PUBLIC OFFICIALS—Cont'd

Truth, § 5:4, 5:12
Westmoreland case, § 2:115

PUBLIC PARTICIPATION, STRATEGIC LAWSUITS AGAINST

SLAPP Suits (this index)

PUBLIC PROCEEDINGS

Fair report privilege, § 8:74

PUBLIC RECORDS

Publication of Private Facts (this index)

PUBLIC SPEECH

Group defamation, hate speeches, § 4:66

PUBLISHER

See also Publication (this index)
All purpose public figures, § 2:91
Interest-related conditional privileges,
§ 8:47
Treating authors separately from
publishers, litigation, § 12:20.50

PUNITIVE DAMAGES

Generally, § 9:36 et seq.
Actual damage, § 9:49
Actual harm, § 9:48
Common law malice, § 9:44
Constitutional law, § 9:37
Dun & Bradstreet, § 9:38
Eighth Amendment, § 9:40
Evidentiary standard, § 9:45
Financial condition of defendant, § 9:47
First Amendment, § 9:39
Gertz case, § 9:37
Injurious falsehood, § 11:46
Jurisdictions that do not permit punitive
damages, § 9:51
Malice, § 9:44
Nominal damages, § 9:9
Other factors considered in assessing
punitive damages, § 9:46
Reasonable proportionality to actual
damages, § 9:49
Retraction, § 9:50, 9:84
State law, generally, § 9:41 et seq.
Tort principles, § 9:42
Vicarious liability, § 3:117
Workplace, § 15:25

PURE EMOTIONAL DISTRESS RECOVERY

Generally, § 11:32

PURE OPINION

Generally, § 6:28 to 6:31

QUALIFIED FIRST AMENDMENT PRIVILEGE

Confidential source, § 12:57 to 12:59.50
Judith Miller litigation, § 12:59.50

QUALIFIED IMMUNITY

Confidential source, § 12:62

QUASI-JUDICIAL FUNCTION

Generally, § 8:15

QUESTIONS OF LAW

Judicial proceedings, participants in,
§ 8:18

QUOTES

Meaning as defamatory, § 4:35
Negligence, § 3:106

RACIAL DISPARAGEMENT

Group defamation, § 4:51, 4:52

REASONABLE CONSTRUCTION RULE

Meaning as defamatory, § 4:21

REASONABLE PERSON

False light invasion of privacy, § 10:12
Nondefamatory statement be offensive,
§ 10:13
Publication of private facts, § 10:42

REBUTTAL

Retractions, § 3:81
Sources and tips, reliance on, § 3:64

RECHARACTERIZING HARM

Equitable relief, § 9:89

RECIPIENT APPROACH

Meaning as Defamatory (this index)

RECKLESSNESS

Abuse of privilege, § 8:65
Emotional distress, § 11:4
Sources and tips, reliance on, § 3:63

RECORDS

Destruction of by reporters, § 13:15

RECURRING NEGLIGENCE

Generally, § 3:98

REFERENCE

Accidental reference, § 4:42

Captions linking plaintiff to defamation, § 4:40.20

Group defamation, § 4:70

Name, references need not be by, § 4:40, 4:40.20, 4:40.50

Photographs linking plaintiff to defamation, § 4:40.20

REFERENCE LETTERS

Workplace, § 15:3

RELATIONAL HARM

Group defamation, hate speeches, § 4:65

RELATIONAL INTERESTS

Generally, § 1:22

RELEVANCE

In personam jurisdiction, § 12:15, 12:16

Judicial proceedings, participants in, § 8:13

Limited public figure standard, § 2:24

RELIABILITY OF SOURCE

Obvious sources, failure to check, § 3:56

RELIANCE ON SOURCES AND TIPS

Actual Malice (this index)

Confidential source, § 12:66

Negligence, § 3:100 to 3:102

RELIGIOUS ORGANIZATIONS

All purpose public figures, § 2:88

Group defamation, § 4:51, 4:52

Limited public figures, § 2:67

Opinion and fair comment, First Amendment analysis, § 6:74, 6:74.50

Public figure, plaintiff found not to be, § 2:67.50

Talk shows, § 6:97

REMOVAL OF ACTION

Federal, § 12:43

First Amendment, § 12:46

State court to federal court, § 12:42, 12:43

RENWICK CASE

False light invasion of privacy, § 10:28

REPETITION

Equitable relief, § 9:88

Publication, § 4:81

Substantial truth test, § 5:18, 5:29

REPLY, RIGHT OF

Equitable relief, § 9:90 to 9:92

REPORTER

News Gathering (this index)

Promise, breach of, § 10:41

REPORTER'S PRIVILEGE

Confidential source, § 12:62.50

Neutral reportage privilege. Republication (this index)

Non-confidential material, § 12:62.60

REPORTS AND REPORTING

Actual Malice (this index)

Publication, reports to government agencies, § 8:36.50, 8:37

Workplace defamation, privileges arising from legal reporting duties, § 15:30.50

REPUBLICATION

Generally, § 4:87 et seq.

Actual malice, § 3:85

Belief, § 4:88

Defense, § 4:90

Disbelief, expressions of, § 4:88

Edwards v. National Audubon Society, § 4:98

Fault still required, § 4:89

Internet publication, single publication rule, § 4:93.50, 4:93.60, 4:93.70

Judicial acceptance of concept, § 4:100

Liability for, generally, § 4:87 et seq.

Meaning as defamatory, generally, § 4:87 et seq.

Neutral reportage privilege generally, § 4:96 et seq.

Edwards v. National Audubon Society, § 4:98

judicial acceptance of concept, § 4:100

judicial rejection of concept, § 4:100.50

private figure suits, § 4:101

Originator, liability of, § 4:91

Primary and secondary publishers, distinguishing, § 4:92

INDEX

REPUBLICATION—Cont'd

- Private figure suits, § 4:101
- Privileges. Neutral reportage privilege, above
- Procured publication, § 4:95
- Secondary publishers, § 4:92
- Single Publication Rule (this index)
- Vanity presses as media publishers, § 4:92.50
- Wire service defense, § 4:90

REPUTATION

- Generally, § 1:21 et seq.

RES IPSA LOQUITUR

- Negligence, § 3:94

RESPONDEAT SUPERIOR

- Vicarious Liability (this index)

RESPONSE TO PUBLIC ATTACK

- Status as public figure, § 2:37.50

RESTATEMENT (SECOND)

- Professional negligence, § 3:91
- Pure opinion and mixed opinion generally, § 6:28 et seq.
 - compromise position, dishonestly maintained evaluative opinions, § 6:37
 - deductive opinions, § 6:33
 - dishonestly maintained evaluative opinions, § 6:35 to 6:37
 - evaluative opinions, § 6:34 to 6:37
 - evidence, dishonestly maintained evaluative opinions, § 6:36
 - informational opinions, § 6:38

RESTAURANT AND FOOD

CRITIQUES

- Corporations, food reviews, § 2:98.50
- Opinion and fair comment, § 6:88

RESTAURATEURS

- Limited public figures, § 2:71.50

RETRACTIONS

- Generally, § 9:70 et seq.
- Actual Malice (this index)
- Aspects of a retraction, § 9:80
- Common law, § 9:71
- Compulsory retraction, § 9:90 to 9:92
- Content of, § 9:81
- Damages, generally, § 9:66, 9:70 et seq.

RETRACTIONS—Cont'd

- Effect of, § 9:79
- Equitable relief, § 9:90 to 9:92
- Form, § 9:82
- Media vs. nonmedia approach, § 9:74
- Notice provisions, § 9:75 to 9:78
- Placement, § 9:82
- Prerequisite to suit, notice as, § 9:77, 9:78
- Proliferation of statutes, § 9:72
- Punitive damages, § 9:50, 9:84
- Timing, § 9:76, 9:83
- Variations in statutory approaches, § 9:73

REVENGE PORN

- Publication of private facts, § 10:40.10

REVIVAL OF STORY

- Carroll Rosenbloom story, reviving of, § 6:85

RHETORICAL HYPERBOLE

- Meaning as Defamatory (this index)

RICE v. PALLADIN PRESS

- Aiding and abetting criminal activity, § 11:55

RIDICULE

- Opinion and fair comment, § 6:90

RISK

- Public figures, assumption of risk rationale, § 2:14
- Truth as defense, § 5:36

ROACH v. STERN

- Talk shows, § 6:98

ROSENBLUM

- Fault, § 3:21

SANCTIONS

- Confidential source, § 12:63 to 12:66

SCHOOL PERSONNEL

- Public officials, § 2:107

SCIENTIFIC DISPUTES

- Opinion and fair comment, § 6:67.60

SECLUSION

- Defined, § 10:34, 10:34.50

SECONDARY PUBLISHERS

- Republication, § 4:92

SECONDARY SOURCES

Fault, § 3:60

SECRET PROCEEDINGS

Fair report privilege, § 8:71

**SECURING THE PROTECTION OF
OUR ENDURING AND
ESTABLISHED
CONSTITUTIONAL HERITAGE
ACT**

SPEECH Act, conflict of laws, foreign judgments, § 12:41.30

SELF-DESTRUCTIVE BEHAVIOR

Negligent publication, inducement of self-destructive behavior, § 11:50

SELF-FULFILLMENT FUNCTION

Freedom of speech, § 1:30

SENSATIONAL HEADLINES

Meaning as defamatory, § 4:28

SEQUENCE OF EVENTS

Misleading sequencing of events in story, § 3:74

SETTLEMENT

Prior recoveries or settlements, § 9:63

SEVERE EMOTIONAL DISTRESS

Generally, § 11:6

SEXUAL ABUSE CASES

Publication of private facts, inadvertently released material, § 10:48.50

SEXUAL HARASSMENT

Emotional distress, § 11:21

SHARON v. TIME, INC.

Obvious sources, failure to check, § 3:53

Public officials, § 2:115

SHOCK JOCKS

Generally, § 6:98

**SHORT-LIVED PUBLIC INTEREST
APPROACH**

Public figures, § 2:9

SINGLE INSTANCE RULE

Meaning as defamatory, § 4:23

SINGLE PUBLICATION RULE

Conflict of laws, § 12:33

Republication

generally, § 4:93

hyperlinks to previously published defamatory material, § 4:93.60

Internet publication, § 4:93.50

material and substantive alteration, liability for, § 4:93.70

SINISTER MEETING

Joe Namath's sinister meeting with Lou Michaels, § 6:86

SKELETONS IN CLOSET

Attorneys, § 13:19, 13:20

SLANDER

Libel distinction, § 7:31

SLANDER PER QUOD

Libel per quod distinguished, § 7:25

SLANDER PER SE

Generally, § 7:10 et seq.

Allegations tending to injure another in trade, business, profession, or office, § 7:14 to 7:16

Business, allegations tending to injure, § 7:14 to 7:16

Chastity, unchastity, § 7:18

Common law, generally, § 7:10 et seq.

Criminal conduct, § 7:11 to 7:13

Disease, loathsome disease, § 7:17

Libel per quod, § 7:24

Loathsome disease, § 7:17

Moral turpitude, § 7:13

Nexus requirements, § 7:16

Office, allegations tending to injure, § 7:14 to 7:16

Profession, allegations tending to injure, § 7:14 to 7:16

Trade, allegations tending to injure, § 7:14 to 7:16

Unchastity, § 7:18

SLAPP SUITS

Damages

generally, § 9:107

media defendants, § 9:108

variation in statutes, § 9:109

Discovery in SLAPP motions, § 12:68.50

INDEX

SLAPP SUITS—Cont'd

- Federal Rules of Civil Procedure, potential conflicts, § 9:110
- Statutes and choice of law conundrums, § 9:111
- Summary judgment and SLAPP motions, § 12:75.50

SLOPPY JOURNALISM

- Literary and artistic criticism, § 6:81

SNYDER v. PHELPS

- Emotional distress, § 11:13.50

SOCIAL ACTIVITIES

- All purpose public figures, § 2:84

SOCIAL CONTEXT

- Totality of circumstances approach, § 6:55

SOCIAL INTERESTS

- Freedom of speech, § 1:29

SOCIAL MEDIA

- Actual damages, § 9:34.50
- Opinion and fair comment, § 6:70.50
- Reputation protection, age of internet and social media, § 1:27.50

SOCIAL SCIENCE EVIDENCE

- Meaning as defamatory, § 4:37

SOLICITATION

- In personam jurisdiction, § 12:22

SONG LYRICS

- Meaning as defamatory, § 4:34

SOURCES AND TIPS, RELIANCE ON

- Reliance on Sources and Tips (this index)

SOUTH AFRICAN LAW

- Generally, § 1:9.90

SOVEREIGN IMMUNITY

- Generally, § 8:37

SPECIAL CONVINCING CLARITY STANDARD

- Fault, § 3:25

SPECIAL DAMAGES

- Generally, § 9:35
- Pleading considerations, § 12:50

SPECIAL HARM

- Generally, § 7:1 et seq.
- Actual harm, § 7:2, 7:3, 7:5
- Common law, § 7:9
- Constitutional law, § 7:6 to 7:8
- Defamation per se, judicial arguments favoring retention of traditional rules, § 7:35
- Dun & Bradstreet, § 7:6 to 7:8
- Elimination of rules, § 7:32
- Gertz, § 7:6 to 7:8
- Injurious falsehood, § 11:39
- Presumed harm, § 7:2, 7:4, 7:5
- State law, § 7:8
- Traditional defamation per se rules, judicial arguments favoring retention, § 7:35
- Workplace, § 15:18

SPEECH ACT

- Conflict of laws, foreign judgments, § 12:41.30

SPEECHES

- Dun & Bradstreet and commercial speech doctrines, § 2:95
- Emotional Distress (this index)
- False light invasion of privacy, § 10:11
- Freedom of Speech (this index)
- Group Defamation (this index)
- Totality of circumstances approach, § 6:55

SPORTS FIGURES

- Fantasy sports leagues, § 10:6.30
- Limited public figures, § 2:62 to 2:65
- Right of publicity, § 10:6.30

SPOUSES

- Absolute privileges, § 8:35

ST. AMANT v. THOMPSON

- Actual malice, § 3:40

STATE LAW AND COURTS

- Confidential source, § 12:60 to 12:62
- Constitutional framework, freedom from, § 13:25
- Fault, § 3:27 to 3:31
- Independent and adequate state grounds, § 13:29
- In personam jurisdiction, § 12:19
- Milkovich, lower court interpretations of, § 6:25

STATE LAW AND COURTS—Cont'd

- Punitive Damages (this index)
- Removal from state court to federal court, § 12:42, 12:43
- Special harm, § 7:8
- Subject matter jurisdiction, § 12:2

STATE LEGISLATORS

- Generally, § 8:24

STATE OFFICIALS

- Common law privileges, § 8:30 to 8:33

STATE OF MIND

- Actual malice, § 3:44

STOLEN VALOR ACT

- Group defamation, § 4:70.50

**STRATEGIC LAWSUIT AGAINST
PUBLIC PARTICIPATION
(SLAPP)**

- SLAPP Suits (this index)

STRICT LIABILITY

- Generally, § 3:7 et seq.
- Cause of action, § 1:7
- Constitutional standards, § 3:5
- Dun & Bradstreet, § 3:8, 3:17
- Identity, § 4:41
- Media, rejection of media/nonmedia distinction, § 3:9
- Milkovich and media/nonmedia distinction, § 3:10
- Public concern, matters of, generally, § 3:7 et seq.
- Rejection of media/nonmedia distinction, § 3:9

STRIKING PLEADINGS

- Confidential source, § 12:65

SUBJECT MATTER JURISDICTION

- Generally, § 12:1 et seq.
- Complete diversity, rule of, § 12:7
- Diversity of citizenship, § 12:5 to 12:8
- Federal courts, § 12:3 to 12:7
- Manufacture diversity, attempts to, § 12:8
- Media cases, § 12:6
- Nonmedia cases, § 12:5
- State courts, § 12:2

SUBSTANTIAL ACCURACY TEST

- Fair report privilege, § 8:76

SUBSTANTIAL TRUTH

- Generally, § 5:14 et seq.
- Attorneys, § 13:20
- Falsity by omission of material facts, § 5:17.50
- Fault requirements, relationship to, § 5:21
- Generalized defamatory charges, § 5:16, 5:22
- Minor inaccuracies, § 5:17
- Repetition of another's defamation, § 5:29
- Repetition of another's defamatory communication, § 5:18
- Specific defamatory charges, § 5:15, 5:19 to 5:21
- Workplace, § 15:20

SUBSTANTIVE RULES

- Damages, § 9:2

SUMMARY JUDGMENT

- Generally, § 12:69 et seq.
- Actual malice obstacle, § 12:75
- Burger footnote in *Hutchinson v. Proxmire*, § 12:71
- Calder, analogy to, § 12:73
- Defeating summary judgment motion in public figure cases, § 12:75
- Dun & Bradstreet, § 12:77
- Evidentiary hearing, § 2:121
- Fault requirements, clear and convincing evidence, § 3:25.50
- First Amendment tensions, § 12:70
- Hutchinson v. Proxmire*, Burger footnote in, § 12:71
- Keeton, analogy to, § 12:73
- Negligence standard cases, § 12:76, 12:77
- Neutrality principle, § 12:72 to 12:74
- Preference, § 12:74
- Public figures, § 12:75
- SLAPP motions, § 12:75.50
- Status on motions for summary judgment, determining, § 2:119 to 2:121

SUPERIOR STATE OFFICIALS

- Common law privileges, § 8:32

SUPREME COURT

- Actual malice test, generally, § 3:37 et seq.

INDEX

SUPREME COURT—Cont'd

- First Amendment and media/nonmedia speakers, § 3:16
- In personam jurisdiction, § 12:16
- Opinion and Fair Comment (this index)

“SURPRISE TELEVISION”

- Aiding and abetting criminal activity, § 11:57

SURREPTITIOUS

NEWSGATHERING

- Invasion of privacy, § 10:55, 10:56

SURREPTITIOUS SURVEILLANCE

- Intrusion, media and government partnership, § 10:36.70

SURVIVAL

- False light invasion of privacy, § 10:27

SUSPICION TEST

- Group defamation, § 4:71

SUZUKI v. CONSUMERS UNION

- Injurious falsehood, § 11:40.50

SYMBOLISM PRINCIPLE

- Group defamation, hate speeches, § 4:57

TALK SHOWS

- Generally, § 6:92 et seq.
- Banter, § 6:92
- Emotional distress, intentional infliction of, § 6:95
- Hustler standard of private figures, § 6:95
- Intentional infliction of emotional distress, § 6:95
- Opinion and fair comment, generally, § 6:92 et seq.
- Private figures, Hustler standard of, § 6:95
- Public/private distinction, § 6:94
- Religious broadcasts, § 6:97
- Roach v. Stern, § 6:98
- Shock jocks, § 6:98

TAPES

- Destruction of by reporters, § 13:15

TAVOULAREAS HOLDING

- Limited public figures, § 2:70

TEASES

- Meaning as defamatory, § 4:25 to 4:29

TERMINATION FROM OFFICE

- Public officials, § 2:102

TERMINOLOGY

- Damages, § 9:4
- Minor inaccuracies in detail, § 5:24
- Negligence, § 3:107

TERRITORIALIST APPROACHES

- Conflict of laws, § 12:31 to 12:34

THIRD-PARTY DISCOVERY

- Confidential source, protective orders and third-party discovery, § 12:66.50

THIRD PERSONS

- Interest-related conditional privileges, § 8:48
- Intrusion and trespass in news gathering, § 10:36.60
- Substantial truth test, § 5:18, 5:29
- Workplace, § 15:3, 15:14.50

TIPS

- Reliance on Sources and Tips (this index)

TORTIOUS INTERFERENCE WITH CONTRACT

- Confidential source, § 12:68

TORT PRINCIPLES

- Defamation rules, § 9:43
- Punitive damages, § 9:42

TOTALITY OF CIRCUMSTANCES APPROACH

- Opinion and Fair Comment (this index)

TRADE

- Slander per se, § 7:14 to 7:16

TRADE NAMES

- Appropriation and invasion of privacy, § 10:4.50

TRAFFICKING IN TRUTHFUL INFORMATION

- Barnticki v. Vopper decision, illegally intercepted electronic material, § 10:56.70

TRAINING OR VETTING PROCEDURES

- Negligence, § 3:110.50

TRANSFER

Generally, § 12:42, 12:44
First Amendment, § 12:46

TRESPASS IN NEWS GATHERING

Intrusion, § 10:33 to 10:36.60

TRIALS

Evidence of truthful character, § 12:87
Publicity surrounding media trials,
§ 13:30

TRUTH

Generally, § 5:1 et seq.
American position, § 5:3
Bartnicki v. Vopper decision, trafficking
in truthful information, § 10:56.70
Burden of proof, § 5:11 to 5:13
Common law rules, § 5:2
Constitutional defense, generally, § 5:1
et seq.
Construction and interpretation, Masson
v. New Yorker Magazine, Inc.,
§ 5:27
Cox Broadcasting case, § 5:7
Defense, generally, § 5:1 et seq.
Dun & Bradstreet, § 5:6, 5:10
Early common law rules, § 5:2
Embellishments, § 5:25
Errors, § 5:24
Fault requirements, relationship to,
§ 5:21
Fault rule, impact of, § 5:33
Firestone case, § 5:8
Generalized defamatory charges, § 5:16,
5:22
Gertz case, § 5:6
Group defamation, criminalization of
mere "lies," § 4:70.50
Literary embellishments, § 5:25
Masson v. New Yorker Magazine, Inc.,
§ 5:26, 5:27
Minor inaccuracies in detail
generally, § 5:23 et seq.
construction and interpretation, Mas-
son v. New Yorker Magazine,
Inc., § 5:27
literary embellishments, § 5:25
Masson v. New Yorker Magazine,
Inc., § 5:26, 5:27
substantial truth test, § 5:17
terminology, errors in, § 5:24

TRUTH—Cont'd

Opinion and fair comment, truth of
underlying predicate facts,
§ 6:43.50
Philadelphia Newspapers, Inc. v. Hepps,
§ 5:9
Private figure cases
generally, § 5:5 et seq.
burden of proof, § 5:13
Cox Broadcasting case, § 5:7
Dun & Bradstreet case, § 5:6
Firestone case, § 5:8
Gertz case, § 5:6
Philadelphia Newspapers, Inc. v.
Hepps, § 5:9
Psychological cost to plaintiff, § 5:35
Public figure cases, § 5:4, 5:12
Public official cases, § 5:4, 5:12
Repetition of another's defamation,
§ 5:29
Repetition of another's defamatory com-
munication, § 5:18
Risks, § 5:36
Specific defamatory charges, § 5:15,
5:19 to 5:21
Stolen Valor Act, § 4:70.50
Substantial Truth (this index)
Terminology, errors in, § 5:24
Trials and evidence, § 12:87
Workplace, § 15:19 to 15:21

TWITTER

Opinion and fair comment, § 6:70.50

TWO-CLASS THEORY

Group defamation, hate speeches, § 4:61

ULTIMATE FACTS

Appeal and review, § 12:86

UNCHASTITY

Slander per se, § 7:18

UNDERCOVER REPORTING

Invasion of privacy, § 10:56

**UNREASONABLE RELIANCE ON
SOURCES**

Negligence, § 3:100 to 3:102

VANITY PRESSES

Republication, § 4:92.50

VERBAL ABUSE

Meaning as defamatory, § 4:7 to 4:10

INDEX

VERDICTS

Directed Verdicts (this index)

VERIFIABILITY

Obvious sources, failure to check,
§ 3:55

Opinion and fair comment, § 6:44 to
6:46, 6:53

VETTING PROCEDURES

Negligence, § 3:110.50

VICARIOUS DEFAMATION

Meaning as defamatory, § 4:74

VICARIOUS INVASION OF PRIVACY

Generally, § 10:3

VICARIOUS LIABILITY

Generally, § 3:112 et seq.

Computer databases, § 3:118

Contractors, independent, § 3:116

Damages, punitive damages, § 3:117

Editorial or policy-making responsibility
of employee, § 3:115

Employee, editorial or policy-making
responsibility of, § 3:115

Employee's fault imputed to employer,
§ 3:114

Independent contractors, § 3:116

Policy-making responsibility of
employee, § 3:115

Punitive damages, § 3:117

Workplace, § 15:22 to 15:25

VIDEO GAMES

Invasion of privacy, games based on real
people, § 10:6.40

VIDEOS

Protest activity involving surveillance
and video or photographs,
§ 10:39.75

Publication of private facts, § 10:39.50

VIOLENT MATERIAL

Aiding and abetting criminal activity,
§ 11:56, 11:58

Negligent publication, violent material
and children, § 11:50.50

VISUAL DEFAMATION

Meaning as defamatory, § 4:30 to 4:32

VOLKSWAGEN

In personam jurisdiction, § 12:14

VOLUNTARY INVOLVEMENT OR PARTICIPATION

Public figures, § 2:30 to 2:32

VOLUNTEERED INFORMATION

Interest-Related Conditional Privileges
(this index)

“VORTEX” PUBLIC FIGURES

Generally, § 2:16 to 2:19

Involuntary vortex public figures, § 2:33
to 2:36

Local vortex public figure, § 2:53

WALKER, JUSTICE

Actual malice, § 3:39

Constitutional law, § 1:18

WARMED OVER HOT STUFF

Literary and artistic criticism, § 6:84

WARREN OPINION

Public figures, § 2:6

WESTMORELAND v. CBS

Public officials, § 2:115

Reporting and editing process, § 3:70

WILL, DEFAMATION BY

Publication, § 4:80

WIRE SERVICE

Republication, § 4:90

Sources and tips, reliance on, § 3:61

WITNESSES

Judicial proceedings, participants in,
§ 8:10

Legislative proceedings, participants in,
§ 8:26

WOLSTON CASE

Public figures, § 2:18, 2:40, 2:41

WORKERS' COMPENSATION

Workplace, defamation in, § 15:34

WORKPLACE

Generally, § 15:1 et seq.

Absolute privileges, § 15:29

Actual malice, § 15:31

Burden of proof, § 15:21

Causation, § 15:32

Civil rights, government defamation as
violation of, § 15:33

WORKPLACE—Cont'd

Common law requirements, § 15:28 to 15:30.50

Compelled self-publication, § 15:10 to 15:14.60

Compelled self-publication, generally, § 15:10 et seq.

Competing interests, § 15:14

Conditional privileges, § 15:30

Constitutional requirements, § 15:27

Damages, § 15:25, 15:32

Fact/opinion distinction, § 15:17

Falsity

- burden of proof, § 15:11.50
- clear and convincing evidence standard, § 15:11.50

Fault considerations

- generally, § 15:26 et seq.
- absolute privileges, § 15:29
- actual malice, § 15:31
- common law requirements, § 15:28 to 15:30.50
- conditional privileges, § 15:30
- constitutional requirements, § 15:27
- privileges, § 15:29 to 15:31

Harm rules, § 15:18

Individual employee, action against, publication by one corporate employee to another, § 15:9.50

Interest-related conditional privileges, § 8:53

Internal communications, § 15:4, 15:7 to 15:9.50

Legal reporting duties, privileges arising from, § 15:30.50

Lewis v. Equitable Life decision, § 15:13

Libel/slander distinction, § 15:24

Meaning as defamatory, § 15:15 to 15:17

Minority no-publication position, § 15:8

Minority publication position, § 15:9

Opinion as defamatory, § 15:15 to 15:17

WORKPLACE—Cont'd

Per quod rules, § 15:18

Per se rules, § 15:18

Privileges, § 8:53, 15:29 to 15:31

Publication

- generally, § 15:6 et seq.
- between two corporate employees, action against individual employee, § 15:9.50
- compelled self-publication, generally, § 15:10 to 15:14.60
- competing interests, § 15:14
- internal communications, § 15:7 to 15:9.50

Lewis v. Equitable Life decision, § 15:13

minority no-publication position, § 15:8

minority publication position, § 15:9

repetition to third party, § 15:14.50

Public officials, § 2:100

Punitive damages, § 15:25

Reference letters, § 15:3

Repetition to third party, § 15:14.50

Reporting duties, privileges arising from, § 15:30.50

Respondeat superior, § 15:22 to 15:25

Special harm rules, § 15:18

Substantial truth, § 15:20

Third parties, communications to, § 15:3

Third party, repetition to, § 15:14.50

Truth, § 15:19 to 15:21

Vicarious liability, § 3:114, 3:115, 15:22 to 15:25

Workers' compensation statutes, § 15:34

WORLD-WIDE VOLKSWAGEN FORMULATION

In personam jurisdiction, § 12:14

WRITERS

All purpose public figures, § 2:87

Limited public figures, § 2:66