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**

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**
Republications 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 LAWS
Counseling and strategy, **§ 13:12**

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)

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
All purpose public figures, **§ 2:89**
Common law privileges, **§ 8:8**
Fees and public relations expenses spent to mitigate, **§ 9:53.50**
Limited public figures, **§ 2:73**
Opinion and fair comment, **§ 6:67**

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**

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**

CANDIDATES FOR PUBLIC OFFICE
All purpose public figures, **§ 2:82**
Limited public figures, **§ 2:58**

CAPTIONS
Meaning as defamatory, **§ 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**
Counseling and strategy, **§ 13:11**

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 ''first-hand'' 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**
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**

COMMON LAW—Cont'd
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**
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**
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**

CONSTITUTIONAL LAW—Cont'd
''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**
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**

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**

CORPORATIONS—Cont'd
Dun & Bradstreet and commercial speech doctrines, **§ 2:95**
Executives, limited public figures, **§ 2:68 to 2:71**
First Amendment and corporate/noncorporate political speech discrimination, **§ 3:13 et seq.**
Interest in reputation, diminished, **§ 2:94**
Liability of corporate officers or directors 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 commercial speech doctrines, **§ 2:95**

CORRECTION OR NOTICE STATUTES
Counseling and strategy, **§ 13:3**

COST/BENEFIT APPROACH
Negligence, **§ 3:96**

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

COUNSELING AND STRATEGY
Generally, **§ 13:1 et seq.**
Counseling clients, **§ 13:1 to 13:12**
action is time-barred, **§ 13:2**
Affirmative defenses in play, **§ 13:6**
assess damages and other remedies, **§ 13:9**
choice of law considerations, **§ 13:11**
choosing a forum, **§ 13:10**
consider whether anti-SLAPP laws may apply, **§ 13:12**
Evaluate fault, **§ 13:8**
Evaluating substantial truth, **§ 13:5**
offending statements are actionable, whether, **§ 13:4**
public figure v. private figure question, to evaluate, **§ 13:7**

COUNSELING AND STRATEGY —Cont'd
Counseling clients, **§ 13:1 to 13:12** —Cont'd
Traps for unwary, retraction, correction, or notice statutes and like, **§ 13:3**
Evaluate substantial truth, **§ 13:5**
Explain clients what to expect, **§ 13:13**
Offending statements are actionable, whether, **§ 13:4**
To sue or not to sue, counseling clients, **§ 13:1**
Traps for unwary, retraction, correction, or notice statutes and like, **§ 13:3**

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**

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**

CRITICS—Cont'd
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**
Counseling and strategy, **§ 13:9**
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**
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**

DAMAGES—Cont'd
Plaintiffs—Cont'd
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**

DEATH—Cont'd
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 HEADLINES
Generally, **§ 4:25**
Ambiguity, jury issue, **§ 4:28**
Fair index truth defense, **§ 4:27**
Independent actionability, **§ 4:26**
Jury issue, ambiguity, **§ 4:28**

DEFAMATORY MEANING
Meaning as Defamatory (this index)

DEFAMATORY OPINIONS
Generally, **§ 6:60**

DEFAULT JUDGMENT
Confidential source, **§ 12:65**

DEFENSES
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**
Meaning as Defamatory (this index)
Negligence, **§ 3:88**
Newsworthiness privilege, **§ 10:50**
Public officials, **§ 2:99 to 2:102**

DEFINITIONS—Cont'd
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**
Publication of private facts, **§ 10:38, 10:42, 10:54**

DISCOVERY
Generally, **§ 12:52 et seq.**
Confidential Sources (this index)
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**

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**
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—Barnticki 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**
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**

EMOTIONAL DISTRESS—Cont'd
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.**

EQUITABLE RELIEF—Cont'd
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**
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**
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**

FALSE LIGHT INVASION OF PRIVACY—Cont'd
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 standard, **§ 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**

FAULT—Cont'd
Clear and convincing evidence on summary 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**
Counseling and strategy, **§ 13:8**
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. Intermediate Gross Irresponsibility Standard (this index)
Hybrid per se/per quod, **§ 7:28**
Identity, **§ 4:48**
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**

FAULT—Cont'd
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
Legislative proceedings, participants in, **§ 8:20 to 8:23**

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**

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**
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**

FIRST AMENDMENT—Cont'd
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**

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

FREEDOM OF SPEECH
Generally, **§ 1:28 to 1:33**

FREEDOM OF SPEECH—Cont'd
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**

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

FUTURE CONDUCT
Meaning as defamatory, **§ 4:36**

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.**

GROUP DEFAMATION—Cont'd
Hate speeches—Cont'd
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, **§ 4:29**

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**
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.**

IDENTITY—Cont'd
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 concerning'' 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**

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**

IMPLICATION, DEFAMATION THROUGH—Cont'd
"Innuendo," **§ 4:18**
Lying, denial of wrongdoing by implying accuser is, **§ 4:19.50**

INDEPENDENT CONTRACTORS
Agents and partners, **§ 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**

INJURIOUS FALSEHOOD—Cont'd
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**
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**
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**

INTERNET—Cont'd
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)

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**

INTRUSION—Cont'd
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**
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**
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
unconsented recording, **§ 10:30.50**
Intrusion (this index)

INVASION OF PRIVACY—Cont'd
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**
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, Barnticki 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**

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**
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 favoring retention of traditional defamation 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**

JURY—Cont'd
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 REPORTING DUTIES
Workplace defamation, privileges, **§ 15:30.50**

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.**

LEGISLATIVE PROCEEDINGS —Cont'd
State legislators, **§ 8:24**
Subordinate legislative bodies, **§ 8:25**
Witnesses in legislative proceedings, **§ 8:26**

LEGITIMATE PUBLIC CONCERN STANDARD
Intermediate gross irresponsibility standard, **§ 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**

LIMITED PUBLIC FIGURES—Cont'd
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**
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**
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**

MASSON v. NEW YORKER MAGAZINE, INC.—Cont'd
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**
Captions, **§ 4:29**
Cartoons, **§ 4:33**
Construction and interpretation, **§ 4:20 to 4:23**
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, **§ 4:29**
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**

MEANING AS DEFAMATORY —Cont'd
Implication, defamation through —Cont'd
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**
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**
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, **§ 4:29**
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**
Single instance rule, **§ 4:23**

MEANING AS DEFAMATORY —Cont'd
Social science evidence, use of, **§ 4:37**
Song lyrics, **§ 4:34**
Teases, **§ 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**
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**
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.**

MILKOVICH v. LORAIN JOURNAL CO.—Cont'd
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**

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 concerning'' 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**

NEGLIGENCE—Cont'd
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 terminology, **§ 3:107**
Note taking, **§ 3:106**
Official sources, unreasonable reliance on sources, **§ 3:102**
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**

NEWSWORTHINESS 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
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**

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

OPINION AND FAIR COMMENT —Cont'd
Bresler case, **§ 6:13**
Broader social context of speech, **§ 6:55**
Burden of proof on falsity issue, relationship 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**
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 evaluative 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**

OPINION AND FAIR COMMENT —Cont'd
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**
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**

OPINION AND FAIR COMMENT —Cont'd
Literary and artistic criticism—Cont'd
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**
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.**

OPINION AND FAIR COMMENT —Cont'd
Restatement (Second) approach to pure opinion and mixed opinion —Cont'd
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**
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**

OPINION AND FAIR COMMENT —Cont'd
Totality of circumstances approach —Cont'd
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**
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**

PLEADING CONSIDERATIONS —Cont'd
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**

PRIMARY PUBLISHERS
Republication, **§ 4:92**

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**

PRIVATE FIGURES—Cont'd
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. Republication (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**

PROFESSIONALS—Cont'd
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**

PUBLICATION—Cont'd
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**
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.**

PUBLICATION OF PRIVATE FACTS —Cont'd
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**
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**
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)

PUBLIC FIGURES—Cont'd
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**
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**

PUBLIC FIGURES—Cont'd
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 FIGURE V. PRIVATE FIGURE
Counseling and strategy, **§ 13:7**

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, **§ 4:29**
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**

PUBLIC OFFICIALS—Cont'd
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**
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**

PUNITIVE DAMAGES—Cont'd
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**

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**

RELIGIOUS ORGANIZATIONS —Cont'd
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**

REPUBLICATION—Cont'd
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**
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**

RETRACTION
Counseling and strategy, **§ 13:3**

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.**
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**

ROSENBLOOM
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**

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**

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**

SLANDER PER SE—Cont'd
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**
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**
Fault, **§ 3:27 to 3:31**
In personam jurisdiction, **§ 12:19**
Milkovich, lower court interpretations of, **§ 6:25**
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**

SUBJECT MATTER JURISDICTION —Cont'd
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.**
Counseling and strategy, **§ 13:5**
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**

SUMMARY JUDGMENT—Cont'd
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.**
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**

TALK SHOWS—Cont'd
Shock jocks, **§ 6:98**

TAVOULAREAS HOLDING
Limited public figures, **§ 2:70**

TEASES
Meaning as defamatory, **§ 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**

TIME-BARRED
Counseling and strategy, **§ 13:2**

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**

TRAPS FOR UNWARY
Counseling and strategy, **§ 13:3**

TRESPASS IN NEWS GATHERING
Intrusion, **§ 10:33 to 10:36.60**

TRIALS
Evidence of truthful character, **§ 12:87**

TRUTH
Generally, **§ 5:1 et seq.**
American position, **§ 5:3**
Barnticki 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**

TRUTH—Cont'd
Minor inaccuracies in detail
generally, **§ 5:23 et seq.**
construction and interpretation, Masson 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**
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 communication, **§ 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**

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**
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**
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**
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**

WORKPLACE—Cont'd
Minority publication position, **§ 15:9**
Opinion as defamatory, **§ 15:15 to 15:17**
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**

WORKPLACE—Cont'd
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**