

CAREER' CONSEQUENCES OF DOMESTIC ABUSE'S CLAIM: ISSUES FROM DEPP VS HEARD CASE

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1. In paper proposed are presented the labour law consequences of public malicious defamation regarding domestic abuse on instance of Depp vs Heard court case.

2. John C. Depp, II v. Amber Laura Heard was a trial held in Fairfax County, Virginia, from April 11, 2022, to June 1, 2022, that ruled on allegations of defamation between previously married American actors Johnny Depp and Amber Heard. Depp, as plaintiff, filed a complaint of defamation against defendant Heard claiming \$50 million in damages; Heard filed counterclaims against Depp claiming \$100 million in damages.

3. In December 2018, The Washington Post published an opened written by Heard and titled "Amber Heard: I spoke up against sexual violence and faced our culture's wrath. That has to change" [1–3]. In the article, Heard stated: "Then two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out. ... I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse" [4]. She further stated that, as a result of this, she had lost a film role and an advertising campaign for a global fashion brand [5]. The opened called for Congress to re-authorize the Violence Against Women Act and did not explicitly mention Depp by name [6].

4. In respect to these circumstances, Depp has resigned from the Fantastic Beasts film series at the request of Warner Bros., its production company [7].

5. Opening statements were made on April 12, 2022. Lawyers representing Depp accused Heard of fabricating domestic abuse accusations against Depp to further her career, saying that Heard made such allegations because Depp had asked for a divorce [8]. They argued that, while Heard's 2018 opened did not mention Depp, it was clear by implication that it referred to him, and that Heard's writing in the piece ("Then two years ago, I became a public figure representing domestic abuse") was a reference to her May 2016 restraining order request, in which she alleged that Depp had physically abused her. Depp's lawyers discussed Heard appearing in public with a bruised face on May 27, 2016, accusing her of staging the injury,

citing that Depp had not met her since May 21, 2016, and witnesses did not see her with the injury immediately after May 21, 2016.

6. Heard's lawyers claimed that Depp had physically and sexually abused Heard on multiple occasions throughout their relationship, usually triggered by his addiction to both alcohol and drugs [9]. They accused Depp of seeking to "humiliate [Heard], haunt her, wreck her career" with the Virginia lawsuit and to turn the case into a "soap opera". They further argued that the First Amendment protected Heard's right to express her views in the opened, which was mostly focused on a broad discussion of domestic violence and did not explicitly mention Depp's name. Finally, Heard's lawyers stated that the allegations had not changed Depp's reputation, as they had become public knowledge two years prior to the opened, and that Depp had instead ruined his Hollywood career himself with his drinking and drug use; this made him "unreliable" in the eyes of major film studios.

7. On June 1, 2022, after nearly two days of deliberations [10], the jury found that Depp had proven all the elements of defamation for all three statements from Heard's 2018 opened, including that the statements were false, and that Heard defamed Depp with actual malice. The jury awarded Depp \$10 million in compensatory damages and \$5 million in punitive damages from Heard [11]. The punitive damages, however, were reduced to \$350,000 due to a limit imposed by Virginia state law [12].

8. Evidently, Depp's irrevocable losses in the case from the termination of the employment contract with Warner Bros. amounted to approximately \$ 39.7 million, which should be acknowledged as enormous financial damages of malicious defamation regarding domestic abuse.

9. Thus, in domestic labour legislation, there is a need to provide a direct prohibition of termination, suspension of an employment contract or withdrawal of an employee in connection with claims of domestic abuse until the relevant court decision becomes in force, in respect to the principles of the rule of law, *audiatur et altera pars* and innocence presumption, regardless of the applicant's sex and the substance of his/her charges.

10. Since domestic abuse could have as consequences the physical suffering, claims about such actions against an employee are undoubtedly related to the medically-labour problem, which should be as object of furthermore proper scientific researches.

References:

1. Heard, Amber (December 18, 2018). "Amber Heard: I spoke up against sexual violence – and faced our culture's wrath. That has to change". The Washington Post. Archived from the original on April 12, 2019. Retrieved October, 3, 2022.

2. Yahr, Emily (April 10, 2022). "What to know about Johnny Depp and Amber Heard's defamation trial". The Washington Post. Archived from the original on April 10, 2022. Retrieved October, 3, 2022.
3. Saad, Nardine (April 13, 2022). "What you need to know about Johnny Depp and Amber Heard's latest defamation trial". Los Angeles Times. Archived from the original on April 13, 2022. Retrieved October, 3, 2022.
4. Barakat, Matthew (April 13, 2022). "Lawyer: Depp trial likely to become mudslinging soap opera". Associated Press. Archived from the original on April 21, 2022. Retrieved October, 3, 2022.
5. Jacobs, Julia (April 21, 2022). "Johnny Depp vs. Amber Heard: What We Know". *The New York Times*. Archived from the original on May 28, 2022. Retrieved October, 3, 2022.
6. Griffith, Janelle (March 4, 2019). "Johnny Depp sues ex-wife Amber Heard for \$50 million for allegedly defaming him". NBC News. New York City. Archived from the original on March 21, 2021. Retrieved October, 3, 2022.
7. Walsh, Savannah (May 3, 2022). "Johnny Depp's Big-Screen Return Is Coming". Vanity Fair. Archived from the original on May 4, 2022. Retrieved October, 3, 2022.
8. Helmore, Edward (April 12, 2022). "Johnny Depp-Amber Heard trial: jurors hear conflicting accounts of marriage". The Guardian. Archived from the original on April 15, 2022. Retrieved October, 3, 2022.
9. Peplow, Gemma (April 12, 2022). "Johnny Depp and Amber Heard face off in court on first day of 'soap opera' libel trial in Virginia". Sky News. Archived from the original on April 15, 2022. Retrieved October, 3, 2022.
10. "Depp-Heard trial: Jury sides mostly with Depp in defamation case". BBC News. June 2, 2022. Archived from the original on June 22, 2022. Retrieved October, 3, 2022.
11. Baker, Emily D. (June 1, 2022). "Lawyer Reacts Live | Verdict in the Johnny Depp v. Amber Heard trial (time stamped to the court clerk's reading of the verdicts)". YouTube. Archived from the original on June 2, 2022. Retrieved October, 3, 2022.
12. Chappell, Bill; Diaz, Jaclyn (June 1, 2022). "Depp is awarded more than \$10M in defamation case against Heard and she gets \$2M". NPR. Archived from the original on June 1, 2022. Retrieved October, 3, 2022.