

The Case of *Depp v. Heard*



Overview

This lesson introduces students to the legal concept of defamation and the challenge of distinguishing between opinion and false factual claims. Using the high-profile case of *Depp v. Heard*, students will explore how courts interpret statements, analyze a real-world example, and debate questions about free speech and reputation. Strategies include teacher-led reading, small-group analysis, and whole-class discussion.

This lesson fits into civics, law, or government units on the First Amendment, civil law, and media literacy.

Essential Question: *When is a statement about another person defamation?*

Supporting Questions:

- What is the difference between a factual claim and an opinion?
- What are the elements of defamation?
- How did the court in *Depp v. Heard* decide which statements were actionable?
- Should celebrities or public figures be treated differently under defamation law?

Objectives

At the end of this lesson, students will be able to:

- Define *defamation*, *slander*, and *libel*.
- Analyze whether a statement is opinion or actionable as defamation.
- Apply legal standards to real-world examples.
- Discuss the balance between free speech and protection of reputation.

Illinois Learning Standards for Social Science (9-12)

- **SS.CV.1.9-12:** Distinguish the rights and responsibilities of civic participation.
- **SS.IS.6.9-12:** Use data and evidence to develop claims and counterclaims.
- **SS.CV.8.9-12:** Evaluate social and political systems in different contexts.

Common Core State Standards

- CCSS.ELA-LITERACY.RH.9-10.2: Determine the central ideas of a primary or secondary source and provide an accurate summary of how key events or ideas develop.

Materials and Preparation

- Handout: **Background Reading: *Depp v. Heard***
- Handout: **Is It Actionable? You Decide?**
- Visual: **You Be the Judge Exit Ticket**
- Whiteboard/projector

Time Required

1 class period (50–55 minutes)

Procedure

Part 1: Case Background (15 minutes)

1. **Ask:** Imagine you're in the hall between classes. You see someone coming towards you who you are sure stole \$20 from your backpack at lunch. As you pass them, you say: "I don't think anyone should trust you anywhere near their backpack because you'll steal from it." Could you be sued for saying this? Poll the class to see who thinks they could be sued and who thinks they couldn't. Then ask students to jot down whether they think the following factors should matter:
 - Whether what you said is a fact or opinion.
 - Whether what you said is true.
 - Whether what you said could damage the person's reputation.
 - Whether anyone else heard what you said.
 - Whether the student you were talking to is an influencer with 700,000 followers.

2. Distribute the **Background Reading** handout, which summarizes the *Depp v. Heard* case, and read it with the class. Clarify key vocabulary: *defamation*, *libel*, *slander*. Also be sure students understand what must be proven for a statement to be defamation. Ask students to define the difference between a fact (a statement that can be verified through evidence or observation), a factual claim (something said as if it were a fact/could be objectively verified), and an opinion (a view or belief about something, not necessarily based on evidence or fact). To help students understand how an opinion might imply a fact that would be defamatory, return to the statement in Step 1: I don't think anyone should trust you anywhere near their backpack because you'll steal from it." **Ask:**
 - What words tell you this is an opinion? (*"I don't think"*)
 - What words suggest a fact that could be defamatory? (*"you'll steal from it" might infer that there is evidence this person has stolen in the past*)

Part 2: Statement Analysis (15 minutes)

1. Distribute the **Is It Actionable? You Decide** handout and go over the background and directions with the class. Students will be working in small groups to decide whether one statement was a factual claim or an opinion that implied a factual claim and thus potentially defamatory (actionable).
2. Divide the class into four groups (or eight groups if your class is large). Assign each group one of the four challenged statements presented on the handout; each statement was taken from Heard's op-ed. Tell students how long they will have to reach their decision on whether the statement is a factual claim, an opinion that implies a factual claim about Depp, or an opinion (actionable or not) and might be considered defamatory.
3. Allow time for groups to discuss their assigned statement and make notes on their decision.

Part 3: Whole-Class Discussion (15 minutes)

1. Ask each group to share their findings.
2. Reveal how the court ruled on each statement.
 - Statement 1 – The court found this could be defamatory because it implied Depp was the abuser Heard spoke out against. Although phrased broadly, a jury could infer a factual claim.
 - Statement 2 – The court admitted this statement because it strongly suggested Heard's "public figure" status was due to abuse by Depp. Jury could find it defamatory if untrue.

- Statement 3 – This was considered potentially defamatory as it implied institutions protected Depp as an abuser. Again, factual inference was possible.
 - Statement 4 – This was dismissed as non-actionable opinion. It described Heard’s personal experiences (fear, harassment, stress) without making factual claims about Depp.
3. Share the outcome of the case with students: The jury decided that Heard had defamed Depp in all three statements that the court had decided should be considered. It awarded him \$15 million (later reduced under Virginia law). Heard won \$2 million on one of her complaints against Depp. Many students may side with Depp due to public perception and media coverage while others concerned about domestic abuse may support Heard. Remind them that the legal test is whether a statement is a false factual claim that harms reputation, not whether someone is “believable” or sympathetic.
 4. Facilitate a concluding discussion using such questions as:
 - Did the court’s reasoning make sense?
 - Should public figures have more or less protection in defamation cases?
 - Are defamation laws too broad, too restrictive, or just right? Think about the line between free speech and damaging falsehood.

Part 4: Conclusion (5 minutes)

1. Project the **You Be the Judge Exit Ticket** visual and ask students to respond in writing. If students want to know what actually happened, this claim was ruled actionable, and the jury held Depp liable, awarding Heard \$2 million.

Extension (Optional)

- Ask students to compare this case to another modern defamation case (e.g., *Dominion v. Fox News*, *Cardi B v. Tasha K*). Encourage them to consider the influence of media, particularly social media, in each of these cases. Do they think social media and the 24-hour news cycle have had a positive or negative effect on juries ability to fairly decide defamation cases?
- Encourage interested students to explore *New York Times v. Sullivan* and the “actual malice” standard established in that case for public figures. Do they agree that public figures should have less legal protection than other people? Why or why not?

Handout: Background Reading: *Depp v. Heard*

Introduction

Can you be sued for words you speak or write? If your words hurt another person's reputation, you could be sued for defamation. Defamation comes in two forms: libel (written words) and slander (spoken words).

To prove defamation, the law requires that:

1. The statement was shared publicly, either in writing or orally.
2. The statement was false. Usually, an opinion cannot be considered false. However, if an opinion suggests the speaker/writer knows facts that support the opinion, that opinion might be **actionable**.
3. The words could damage a reputation.
4. The speaker/writer knew or should have known the words were false. If the person who believes they were harmed is a public figure, they must prove the speaker/writer had actual malice toward them—they *wanted* to hurt that person's reputation

Some defamation cases make news. For example, Cardi B won a defamation case against a YouTuber in 2022 and was awarded almost \$4 million in damages. More recently, rapper Drake sued a music company over lyrics in a diss track.

In this lesson, you will be analyzing one of the most famous defamation cases in recent years, *Depp v. Heard*.

How the Lawsuit Started

Johnny Depp is a well-known actor and musician. You may know him as Captain Jack Sparrow in *Pirates of the Caribbean*, Willy Wonka, Edward Scissorhands, or the Mad Hatter in *Alice in Wonderland*. Amber Heard is an actress and model. She appeared in movies like *Friday Night Lights*, *Zombieland*, and *The Rum Diary*. She also played Mera in DC's *Justice League* and *Aquaman*.

Depp and Heard began dating in 2012, married in 2015, and divorced in 2016. Their relationship and breakup became very public.

In December 2018, Heard wrote an op-ed in *The Washington Post*. She described herself as a public figure "representing domestic abuse" and criticized how society treats women who speak out. She never named Depp, but many readers assumed she was talking about him.

In 2019, Depp filed a defamation lawsuit, saying Heard libeled him by falsely implying he had abused her. He asked for \$50 million in damages. Heard countersued in 2020,

alleging that Depp orchestrated a smear campaign against her. She sought \$100 million in damages.

In this lesson, we will be focusing on Depp's claims.

What the Court Considered

Depp claimed that four statements in Heard's op-ed defamed him:

1. "I spoke up against sexual violence – and faced our culture's wrath. That has to change."
2. "Two years ago, I became a public figure representing domestic abuse..."
3. "I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse."
4. "I had to change my phone number weekly because I was getting death threats... I felt as though I was on trial in the court of public opinion."

The case went to court in Virginia. At first, Heard's lawyers argued that Depp's claims weren't strong enough to proceed to trial. The judge allowed some of Depp's claims to move forward. The trial lasted for six weeks, with both Depp's and Heard's claims being considered. The jury rendered its verdict after about 13 hours of deliberation.

Student Handout: Can You Be Sued for Your Opinion?

Directions:

1. Your teacher will assign your group one of the four challenged statements from Amber Heard's op-ed.
2. Decide: Is this statement an opinion or a factual claim that could be considered defamatory if false? Why?
3. Write notes in the space provided so you can share your group's reasoning with the class.

The Four Challenged Statements from Amber Heard

Statement 1: "I spoke up against sexual violence—and faced our culture's wrath. That has to change."

Notes: _____

Statement 2: "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."

Notes: _____

Statement 3: "I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse."

Notes: _____

Statement 4: “I write this as a woman who had to change my phone number weekly because I was getting death threats... I felt as though I was on trial in the court of public opinion.”

Notes: _____

Visual: You Be the Judge Exit Ticket

Below is a statement made by Adam Waldman in his role as Johnny Depp's lawyer. Amber Heard claimed this statement defamed her and that Depp was responsible for them. If you were the judge and Depp's lawyers asked you to dismiss Heard's claim, what would you do? Is this an actionable statement? Explain your answer.

"Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn't do the trick. The officers came to the penthouse, thoroughly searched and interviewed everyone, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911."