



Speaking Out or Speaking Too Much: Defamation Claims & Victims of Abuse

Program dates start May 31. Register today!

3.5 CLE

Speaking Out or Speaking Too Much: Defamation Claims & Victims of Abuse

On speaking terms

Victims of abuse or assault who speak out against their assailants can face blame, disbelief, and in some cases, defamation lawsuits. At *Speaking Out or Speaking Too Much: Defamation Claims & Victims of Abuse*, you'll discuss the elements of a defamation claim as well as potential defenses. Brush up on the relevant statutory framework, how criminal and civil defamation suits differ, pleading standards, and defenses. You'll also consider how the legal strategy for abuse victims who are sued for defamation might require different considerations and risk calculations than other defamation scenarios.

How you'll benefit:

- Know the required elements of a defamation claim
- Understand the burden of proof in slander and libel claims
- Learn about potential defenses to defamation
- Explore considerations for victims of domestic violence and sexual assault

Who should attend:

- Civil litigators
- Family law attorneys
- Domestic violence victim advocates
- First Amendment lawyers
- Constitutional lawyers
- Media lawyers
- General practitioners

Register now!

Faculty

Megan E. Lee
Wisconsin Judicare Inc.
Wausau

Amanda R.R. Mayer
Wisconsin Judicare Inc.
Wausau

Dates Location

In-Person Seminar – Milwaukee

Wednesday, May 31, 2023
State Bar Center
5302 Eastpark Blvd.
Madison, WI
(608) 257-3838

Live Webcast

Wednesday, May 31, 2023

Webcast Replay

Friday, June 9, 2023
Tuesday, June 13, 2023
Monday, June 19, 2023
Friday, June 23, 2023
Wednesday, June 28, 2023
Thursday, July 6, 2023
Friday, July 14, 2023
Wednesday, July 19, 2023

Credits

This program will be submitted to the Wisconsin Board of Bar Examiners for **3.5 CLE credits**. It does not qualify for EPR credit.

Registration

Online: wisbar.org/seminars

Phone: (800) 728-7788

Fax: (608) 257-5502

Mail: State Bar PINNACLE
Registrations
P.O. Box 7158
Madison, WI 53707-7158

State Bar CLE/PINNACLE Passbook Registrations

Passbook certificates must be received by the State Bar at least one business day prior to the event. For in-person seminars, walk-in registrations using Passbook Certificates are also welcome.

Registration Cancellations

Please visit wisbar.org/cancellations for information on PINNACLE registration cancellation policies.

Course Materials for Attendees

Course materials are provided in PDF format and are downloadable from myStateBar on wisbar.org up to two days prior to and 90 days after your seminar.

COVID-19 Safety Information

Complete and current safety guidelines can be found at wisbar.org/covidsafety.

Schedule

8:00 AM Registration

8:30 AM Defamation

- What is defamation?
 - ▶ The essential elements of a defamation action are:
 - A false statement
 - Communication of the statement
 - A tendency by the statement to harm a person's reputation
- Libel – written
- Slander – oral
- What if the plaintiff is a public figure?
 - ▶ Higher burden
 - ▶ Who is considered a public figure? (Including limited public figures)
- The First Amendment
 - ▶ What is the 'act' that differentiates it from speech?
 - ▶ Defamation does not apply to opinions

9:00 AM Defamation Suits

- Demand letters
- Court filings
 - ▶ Criminal case vs. civil suit
- Court filings
 - ▶ Wis. Stat. § 802.03 Pleading special matters includes libel or slander
 - ▶ Wis. Stat. § 893.57 Intentional torts
 - ▶ Wis. Stat. § 891.33 Proof of malice in slander and libel
 - ▶ Wis. Stat. § 895.05 Damages in actions for libel

9:15 AM Defenses

- The truth
 - ▶ Absolute defense
 - ▶ But...how do you prove it?
- Publication
 - ▶ Statements to someone other than the defamed
 - ▶ Intelligently or negligently made
 - ▶ Identify the person defamed, expressly or by reasonable inference
- Public figure
 - ▶ If the plaintiff is a public figure, there must be proof of actual malice
 - ▶ Criteria to determine whether a defamation plaintiff is a public figure:
 - Public controversy
 - Nature of the plaintiff's involvement in the public controversy

- Privileged from defamation suits
 - ▶ Conditional privilege protecting communications includes:
 - Those seeking to protect the communicator's interest
 - Those seeking to protect the interest of the recipient or a third person
 - Those seeking to protect a common interest or a family relationship
 - Those statements to a person who may act in the public interest
- Privilege can be absolute or qualified
 - ▶ Statements to LEO
 - ▶ Statements in confidential or privileged settings
- Permission to publish the statement granted by the plaintiff

10:10 AM Break

10:25 AM Victims of DVSA & Defamation

- Risk assessment of the speech versus the potential damages and costs of defending defamation suits
- Notable public examples:
 - ▶ Bill Cosby
 - ▶ *Depp v. Heard*
 - ▶ Brett Favre (ongoing)
- Social media and Me Too
 - ▶ Does conditional privilege apply?
 - ▶ What about content posted in private social media groups?
 - ▶ Anonymous online content

11:20 AM Other States and The National Gaze – Where Can We Look?

- Anti-SLAPP
 - ▶ Laws protecting from Strategic Lawsuits Against Public Participation
 - ▶ SLAPP lawsuits are actions initiated by a party seeking to intimidate, censor, or burden an opponent into dropping a claim or action themselves
- What states have it?
- How do other states handle defamation?

11:40 AM Program Concludes

Following start time, schedule will vary slightly from above listed times.

Book Bonus!

The Law of Damages in Wisconsin

Seminar attendees will enjoy a **free two-week trial** of *The Law of Damages in Wisconsin* Books UnBound® title and an invitation to **save 20%** on either a one-year subscription to the Books UnBound title or purchase of the print book.* This trusted reference is packed with comprehensive, insightful analysis on the types of damages available in Wisconsin and the special rules governing them.



Attendees receive a FREE two-week trial of this Books UnBound title

*Attendees will receive information to access the free trial and discount via email after attending the program. Discount applies to both print and digital Books UnBound editions of this title and cannot be applied to previous purchases. Offer valid as long as CLE credit is available for this program. For Books UnBound users, discount may be applied to purchase of individual Books UnBound title only and may not be used on purchase of full library.

Additional Learning Opportunities

Dealing with Domestic Violence in Family & GAL Cases 2022

Guardians ad litem must consider the potential for domestic violence in every case. Learn to identify situations in which there is family violence, understand the dynamics of abuse, and learn how to minimize risk to your own safety in high-conflict cases.

5 CLE, 5 GALF, 5 GALMIN, 5 GALDV

CLE OnDemand™ Seminar: #CA3305D; Member: \$249 | Nonmember: \$329

Wisconsin Civil Procedure Before Trial

Procedure is the backbone of civil litigation and *Wisconsin Civil Procedure Before Trial* is your guide to successfully navigating the complex rules of civil procedure, including the local rules for each Wisconsin jurisdiction. You'll come to rely on its nuts-and-bolts approach to complex topics, helpful checklists, and practice pointers. (Includes the 2021-22 and 2022-23 supplements)

Print Book: #AK0166; 1,254+ pp.; 7th ed. 2020-21; 2 Vol; Member: \$275 | Nonmember: \$343.75
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