

**AN ANALYSIS OF MEDIA COVERAGE OF THE JOHNNY DEPP  
DEFAMATION TRIALS**

An Undergraduate Research Scholars Thesis

by

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Submitted to the LAUNCH: Undergraduate Research office at  
Texas A&M University  
in partial fulfillment of requirements for the designation as an

UNDERGRADUATE RESEARCH SCHOLAR

Approved by  
Faculty Research Advisor:

Dr. Alexander Hernandez

May 2023

Major:

University Studies – Society, Ethics, and Law

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## **ABSTRACT**

An Analysis of Media Coverage of the Johnny Depp Defamation Trials

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Since the inception of the media, they have tried to report on and cover information that we deem to be either interesting or important to our lives. Unfortunately, we often place too much emphasis on simply whether or not something is interesting, rather than whether it is important. Celebrity gossip is a fine example of this. It does not affect our lives in any real way to know the daily lives of celebrities, and yet people continuously hunger to know more about them. Time and time again we've heard stories about how celebrities' lives have been changed by the constant swarming of paparazzi, but what about the change that occurs when the media decides to poke their nose in the business of celebrities when they're in court?

Famous celebrity trials such as that of Johnny Depp and his ex-wife Amber Heard raise serious questions about whether heavy media presence in a courtroom could possibly sway the decisions of a jury. It is also important to consider what media outlets are reporting on these cases, and discovering what role, if any, various types of media may have made in the jury's verdict.

In this paper, you will read an analysis of the media coverage of high-profile public jury trials, with an emphasis on the trials of Depp v News Group Newspapers Ltd and Depp v Heard. You will be provided with an overview of how the media has historically interacted with the justice system, as well as a comprehensive analysis of the legal differences between the two cases. Finally, this research will demonstrate correlations between how conservative and liberal news organizations covered the trials differently, as well as explore the differing coverage between the two trials of the Depp saga.

## **DEDICATION**

*This work is dedicated to my parents, Todd and Crystal Baughman, who always believed in me without fail.*

*As well as to my grandparents Terry and Trisha Baughman whose support has made my education and research like this possible.*

## **ACKNOWLEDGEMENTS**

### **Contributors**

I would like to thank my faculty advisor, Dr. Alexander Hernandez for his guidance and support throughout the course of this research.

Thanks also go to my friends, my colleagues, and the department faculty and staff for making my time at Texas A&M University a great experience.

Finally, thanks to my friend Akshadha “Akshu” Nair for the inspiration for the topic of this thesis when I was in a rut.

All work conducted for the thesis was completed by the student independently.

### **Funding Sources**

This research received no funding by Texas A&M University or any other research university. This research received no funding or grants of any kind.

## 1. INTRODUCTION

For many people, the year 2022 was a time of great importance in their lives. As we continued to rebuild after the pandemic, millions of people got married, some got accepted into university, others landed their dream jobs. People worked to better themselves and lived their lives to the fullest. However, some people chose to spend 2022 focusing on the celebrity drama of Johnny Depp and Amber Heard, drama that resulted in civil trials that spanned two continents, but mostly played out over the internet in the court of public opinion.

Superstar actor Johnny Depp, of *Pirates of the Caribbean* and *Fantastic Beasts* fame, and American actress Amber Heard, co-star of DC's *Aquaman*, were married in February of 2015, but were soon divorced in May of 2016. Following the divorce, Heard began accusing Depp of domestic violence and physical abuse, for which the British tabloid, *The Sun*, published an article in April of 2018 titled "Gone Potty: How can JK Rowling be 'genuinely happy' casting wife beater Johnny Depp in the new *Fantastic Beasts* film?" Heard herself also wrote an op-ed piece for the American newspaper *The Washington Post* in December of 2018 in which she claimed to be a victim of domestic violence, but never mentioned Johnny Depp by name. After the publication of these claims, Depp was dropped from Hollywood and fired from his prominent roles as Jack Sparrow and Gellert Grindelwald in the *Pirates of the Caribbean* and *Fantastic Beasts* franchises, respectively.

In June of 2018, Depp launched a defamation lawsuit in British court against *News Group Newspapers* where, in November of 2020, a judge ruled against Depp and found that the claims made against him were "substantially true." However, in March of 2019, Depp sued Heard personally in a Virginia court for defamation over her article in *The Washington Post*, and



in June of 2022, the jury ruled in favor of Depp, finding that Heard had in fact defamed him. These two conflicting rulings caused confusion about what could have possibly caused an English court to rule against Depp, but an American one to rule in his favor, especially considering how the burden of proof in defamation cases is so drastically different between the two countries, with British cases typically favoring the plaintiff and American cases typically favoring the defendant.

In this paper, you will read an analysis of the two cases, Depp v. News Group Newspapers Ltd and Depp v. Heard, detailing their similarities and differences. You will also learn of the differing media coverage of the two trials, and how media has affected cases in the past. Finally, I will condense this information and attempt to offer a solution to the pressing issue of how obsessive media coverage is affecting our justice system. While this paper revolves largely around the Depp v. Heard trials, I would like you, the reader, not to focus solely on this case, but rather on the relationship between media and the law, with this case reflecting a small part of that relationship.

## **1.1 Personal Reflexive Statement**

*As a man who was a causal fan of Johnny Depp, I was originally sympathetic to Depp's plight as it was portrayed by men's rights groups during his American trial. I did not follow the trial closely at the time, and like so many others, my opinions on the trial were based on clips shared to social media. When presented with the opportunity to write a research paper, I began to question why I believed what I believed about the Depp trials, and what role the media played in shaping those beliefs. In the pages to follow, I will elaborate and expand on how various sources of media reacted during the trial, and hypothesize about the effects of such coverage.*

## 2. MEDIA AND THE JUSTICE SYSTEM

Humans are naturally curious creatures. Obviously, there's nothing inherently wrong with curiosity. Without curiosity, this paper would never have been written, and without curiosity you would not have decided to read it. We like to be informed, especially on information that we find interesting or potentially important to our lives. From that desire, the media was born.

Designating a specific group of people whose job it would be to bring us information was a generally good idea. We were free to live our daily lives and have other people do the work of curating what happens on a daily basis and to bring the most interesting and important news to us.

To many people, the legal system is a topic that is both interesting and important. Few people fully understand how the legal system works, which makes it incredibly interesting to the average person. As an institution capable of imposing heavy fines and jail time, the legal system is also absolutely important in our lives. Because of these combined aspects of interest and importance, people love when the news covers the legal system, and the media is incentivized to do so because of how frequently people interact with that type of coverage.

The most famous example of this in the past 30 years is the trial of Orenthal James (O.J.) Simpson for the murders of his former wife Nicole Brown Simpson and her friend Ron Goldman in 1994. Because of the presiding judge's decision to allow media coverage of the trial, the nation was able to witness and was gripped by the spectacle of OJ's fall from grace. In 1995, when OJ's verdict was read, 150 million people tuned in to watch the jury find him not guilty<sup>1</sup>. With a trial that lasted eleven months and continuously dominated news coverage, some reporters believed that it was impossible for jurors to remain sequestered from outside news

coverage, with one reporter quipping: “Remember, the conjugal visits are five hours. That leaves four hours and 45 minutes for pillow talk<sup>2</sup>.” The fact that the jurors were at least partially aware of the media coverage of the eleven-month trial is practically certain, but the extent to what they knew, or how that knowledge affected the verdict, is purely speculation.

In more recent years, *social* media has brought new powers to the media’s ability to cover, sway, or potentially create news. In October of 2017, Ronan Farrow, a reporter for the *New Yorker*, published an article filled with the reports of women who had been sexually assaulted by the now disgraced titan of the film industry, Harvey Weinstein<sup>3</sup>. The article and its accusations spread like wildfire throughout the news media and social media. Through this reporting, Weinstein was brought to justice, as many women finally felt safe to come out and reveal that they too had been assaulted by Weinstein. Weinstein is now serving a 23-year prison sentence for rape and sexual assault and is currently embroiled in another trial facing similar charges. However, the consequences of the *New Yorker* article extended far beyond just Weinstein. As women began to feel safe coming forward with accusations against Weinstein, many women were emboldened to share their own stories of sexual assault online with the hashtag, #metoo. By using social media, especially Twitter, these (mostly) women were able to spread their stories and cause over 200 powerful men in positions of power to lose their jobs<sup>4</sup>. In the years following October of 2017, hundreds of accusations against men in positions of power came to light in a massacre that toppled many actors, politicians, and CEOs. The story here that I find most intriguing is not that the media uncovered allegations and brought a guilty man to justice, but rather that the media’s coverage of a story created a *social* media movement that had real life effects in the real world beyond the confines of the original story.

As is evident time and time again, the media's attempts to bring us coverage of things that grab our attention often have drastic effects on the events that are being covered. Not only do media outlets all have their biases and often fail to report objectively, but the very act of shining a light on something may change its outcome. When something like a court case is covered in real time, is it possible to keep that real time news coverage from contaminating or affecting a jury? If there was serious doubt as to the proper sequestration of the jury in the trial of OJ Simpson in the 90s, is there any hope that a non-sequestered jury could remain uncontaminated in the era of social media and the instant transfer of information?

### **3. THE TRIALS**

#### **3.1 Introduction to the Trials**

The saga of Johnny Depp and Amber Heard is really a tale of two trials. The presence of a British and American trial concerning essentially the same fact patterns yet yielding completely different results is an excellent opportunity upon which to conduct a content analysis. In the sections below, I will detail the events that took place surrounding each of the trials, the relevant law at hand in each of their countries, as well as their conflicting outcomes.

#### **3.2 Depp v. News Group Newspapers Ltd**

The British trial, and the start of Depp and Heard's legal war, began in April of 2018, when the British tabloid The Sun published an article with the headline "Gone Potty: How can JK Rowling be 'genuinely happy' casting wife beater Johnny Depp in the new Fantastic Beasts film?"<sup>5</sup> The article, published over a year after Depp and Heard's divorce in January, 2017, contained many accusations levied by the article's author, Dan Wootton, against Depp, mostly concerning evidence of domestic violence presented by Heard in the divorce court. Just two months after the publication of the article, Depp began his defamation lawsuit against both News Group Newspapers, the parent company behind The Sun, and also against Dan Wootton, the article's author. However, it wasn't until over two years later, in July of 2020, that the trial actually began in London.

In England, defamation has an incredibly low legal burden. Contrary to companies and citizens within the United States, with its broad freedom of speech protections guaranteed by the First Amendment, British companies and citizens have no such legal protections. Because of this, the standard that a Plaintiff must reach in order to win a defamation case that they've brought

against a Defendant in England is considerably easier to achieve than in countries with more generous free speech laws. In fact, this burden was famously so easy to meet that a phenomenon known as ‘Libel Tourism;’ a practice where Plaintiffs would seek to have defamation cases tried in countries that were more likely to result in a victory, rather than having any concrete relation to the case itself; became popular in the UK<sup>6</sup>. This phenomenon was so popular that the United States Congress unanimously passed the SPEECH Act<sup>7</sup> in 2010 to make foreign defamation judgements unenforceable in the United States from countries like the UK whose defamation laws didn’t provide as much protection as the United States’ defamation laws did.

The burden of proof for libel cases (libel being defamation in written form) under British law is placed upon the Defendant, the one being sued. This means that the Defendant has to prove that what they said was *not* libel. According to British Law, the Defendant, the one who published the alleged defamatory statement, has only a few defenses that they can take in order to win the suit. The first and most common defense that can be used is the defense of truth. After all, a statement cannot be defamatory if it is true. On the other hand, the only thing the Plaintiff has to prove under British law is that the publication has caused “serious harm” to their reputation<sup>8</sup>. By placing the burden of proof on the Defendant, defamation cases are much easier for the Plaintiff to win in England since it is substantially easier to prove that harm has been suffered than to prove that a statement is truthful.

In the 2020 trial of Depp v. News Group Newspapers Ltd, the Defendant elected to take the defense of truth. Therefore, in order to win the defamation case, they had to prove that Johnny Depp was in fact a wife beater. All Depp was required to prove in this case was that his reputation was harmed by him being labeled a “wife-beater”, a legal bar he easily passed. As of 2013, defamation trials in England appear in front of a judge unless the judge gives permission

for it to appear before a jury<sup>9</sup>. The presiding judge, Mr. Justice Nicol did not allow for a jury trial and instead presided over the trial himself. During the trial both the Plaintiff and Defendants introduced evidence, including even having Depp and Heard personally testify as witnesses on the stand, even though Heard was not technically the Defendant in this trial. While on the stand, Heard alleged fourteen specific instances of domestic abuse committed against her by Depp, twelve of which Mr. Justice Nicol deemed to be substantially true. In finding that Depp had in fact abused Heard on at least twelve different occasions, the judge ruled in favor of the Defendant and Depp's defamation suit failed<sup>10</sup>.

### **3.3 Depp v. Heard**

The groundwork for the American trial began when Amber Heard wrote an opinion piece for The Washington Post in December of 2018, 8 months after the publication of The Sun's article. This article, titled "I spoke up against sexual violence - and faced our culture's wrath. That has to change<sup>11</sup>," never mentions Depp by name. However, the article does claim that Heard was a victim of domestic violence, and that her speaking out has led to her losing roles in Hollywood – all points that Depp's legal team used to show that the article was in fact written about him. Three months after the publication of the opinion piece, Depp again sued for defamation. However, since Heard had written this article herself, Depp sued Heard personally for \$50 million dollars based on damages that he said the article caused to his career. Heard, in turn, countersued Depp for \$100 million dollars for damage done to her career that she said was caused by three statements made by Depp's lawyers about Heard's abuse claims being "a hoax." Because The Washington Post has its servers located in Fairfax County, Virginia, this trial took place in a Virginia courthouse, under Virginian defamation law.

In the United States, citizens and corporations are protected by the freedom of speech guaranteed by the First Amendment. Because of the broad protections granted to Americans in the Constitution, it is famously very hard for a Plaintiff to win a defamation case in the United States. For defamation cases in the United States broadly, and Virginia specifically where the American trial was held, the burden of proof rests on the Plaintiff, which means that the Plaintiff must prove that what the Defendant said *was* libel. The Virginia burden of proof therefore requires that the Defendant is innocent until the Plaintiff can prove that they lied. This is in direct contradiction to British defamation law which assumes the Defendant to be liable until they can prove that they never lied. In addition, public figures like celebrities have an even higher burden to meet in defamation trials. They must not only prove that what was said about them was untrue, defamatory, and caused harm<sup>12</sup>, but also that it was made with “actual malice,” meaning that the Defendant made the statement “with knowledge that it was false or with reckless disregard of whether it was false or not<sup>13</sup>.”

In another contradiction with British defamation law, American defamation trials are typically done via jury, meaning that a panel of citizens have to unanimously decide if the standard of defamation has been met, not a judge. To make matters even more interesting, the jury in this case was not sequestered, meaning that jurors were free to return to their homes each day after the trial, and were permitted to keep their phones with them. There is no way of knowing if any of the jurors in this case looked into any outside information published or posted online. The only thing preventing them from doing so was their word, and that the judge had instructed them not to do so.

The trial of Depp v. Heard officially began in April, 2022. Johnny Depp, being the Plaintiff in the case, had the burden of proof to show that Heard’s statements were untrue,



defamatory, caused harm, and were made with actual malice. After two days of deliberation, the jury found that Heard's statements in The Washington Post article had met all of the standards for defamation, and awarded Depp \$10 million in compensatory damages and \$5 million in punitive damages, although Virginia state law required the punitive damages be reduced to \$350,000. In Heard's countersuit, the jury found that only one of the three statements made by Depp's lawyer about Heard amounted to defamation. For that defamatory statement, she was awarded \$2 million in compensatory damages. This outcome came as a shock to many in the legal community because by ruling that Heard's statements were defamatory, the jury showed that they believed that Depp had proven that he had never domestically abused Heard, the exact opposite of the outcome of the British trial in which Depp had a much easier legal burden. People around the world were left wondering, what was so different about these two trials that could have resulted in such polar opposite results?

## 4. CONTENT ANALYSIS

### 4.1 Methods for Content Analysis

In order to quantify the differing coverage of the Depp v. Heard saga, I conducted a content analysis on how different news outlets covered the controversy. This analysis started from the trial's inception in April, 2018 with the publication in the British newspaper, The Sun, all the way up until May 31st, 2022, the day before the jury reached their verdict in the American trial on July 1st, 2022. These dates were specifically chosen because that was the timespan in which Depp and Heard were both involved in some way with an ongoing case of defamation. Of course, trying to quantify something as inherently qualitative as media coverage is never going to be entirely accurate. However, this content analysis can still provide us with many interesting insights into the case at hand.

When considering which news outlets to analyze, I focused my attention on news sources that were free, as those articles are the easiest to spread on social media, and therefore more likely to be seen by more people. In addition, I wanted to analyze the case coverage from both ends of the political spectrum. Therefore, I selected Fox News and CNN as the two American outlets that I would be analyzing because of their ease of spread, and their drastically different political viewpoints, with Fox News being a reliably conservative outlet, and CNN a consistently liberal one. Both the websites for these outlets were equipped with a search bar that would allow me to search for articles based on a search term that I entered. My search term for both outlets was "Johnny Depp."

To conduct my content analysis, I read every article that each news source wrote that was reasonably relevant to either the case of Depp v. News Group Newspapers Ltd or Depp v. Heard,

from April 1, 2018, to May 31, 2022. In order for an article to qualify as being “reasonably relevant,” an article had to provide coverage about the case itself or an important aspect about the case. The article could not simply contain details about the lives of Depp or Heard disconnected from the trial. For example, the article published by CNN, “Johnny Depp and Amber Heard’s court battle turns spotlight back on their careers<sup>14</sup>,” provides no commentary about the case itself. The content of the article is solely based on listing Depp and Heard’s previous roles in movie and television. Therefore, this article and articles like it were excluded from my research.

The relevant articles were then divided into three categories: “Pro-Depp / Anti-Heard,” “Pro-Heard / Anti-Depp,” or “Neutral.” An article was considered “Pro-Depp / Anti-Heard” if the majority of the content of its coverage focused on facts that were either beneficial to Depp’s case or personal character, or detrimental to Heard’s case or personal character, without providing a fairly balanced response or rebuttal by Heard’s team. An article was considered “Pro-Heard / Anti-Depp” if the majority of the content of its coverage focused on facts that were either beneficial to Heard’s case or personal character, or detrimental to Depp’s case or personal character, without providing a fairly balanced response or rebuttal by Depp’s team. An article was considered “Neutral” if it contained an approximately equal amount of positive or negative facts for both Depp and Heard, or if it contained facts mostly in support of one side, but also included a fair and balanced rebuttal of those facts by the opposing side.

#### **4.2 Results of Content Analysis**

Between the two news outlets that I studied, I found drastically different amounts of coverage of both of the trials, as well as a difference in the content of the coverage itself. In addition, I discovered a surprising discrepancy in how both outlets covered the American trial

and how they covered the British trial. For reference to the dates as well as the assigned category of each published article, please see the appendix section for a series of graphs detailing the distribution of the articles referenced in this section.

The first and most obvious difference between how Fox News and CNN covered the Depp v. Heard saga was the drastically different amount of articles published. Between April 1st, 2018 and May 31st, 2022, Fox News published 105 articles relevant to either the British or the American trials. In that same time span, CNN published only 37 relevant articles. Interestingly, Fox News published almost three times as many relevant articles as CNN did. Of Fox News' 105 articles, 52 or 49.52% were classified as "Pro-Depp / Anti-Heard," 17 or 16.19% were classified as "Pro-Heard / Anti-Depp," and 36 or 34.29% were classified as "Neutral." Of CNN's 37 articles, 11 or 29.73% were classified as "Pro-Depp / Anti-Heard," 15 or 40.54% were classified as "Pro-Heard / Anti-Depp," and 11 or 29.73% were classified as "Neutral." Therefore, the plurality of Fox News' coverage was Pro-Depp / Anti-Heard, and the plurality of CNN's coverage was Pro-Heard / Anti-Depp. While no graph is large enough to contain the data from all articles published from April 1st, 2018 to May 31st, 2022, the discrepancy between how these outlets covered the case can be seen most clearly in Figures A.5 and A.12. These graphs show Fox and CNN's coverage of the Depp v. Heard saga from January 2022 to April 2022, including the dates of the American trial. Figure A.5 illustrates how Fox consistently took a Pro-Depp / Anti-Heard position throughout the American trial. Figure A.12 illustrates how CNN originally took a more Pro-Depp / Anti-Heard position in the first month of the trial, but took a decidedly Pro-Heard / Anti-Depp position in the second half of the trial. These trends are expanded on more broadly by the series of graphs located in the Appendix.

## Fox News January 2022 - May 2022

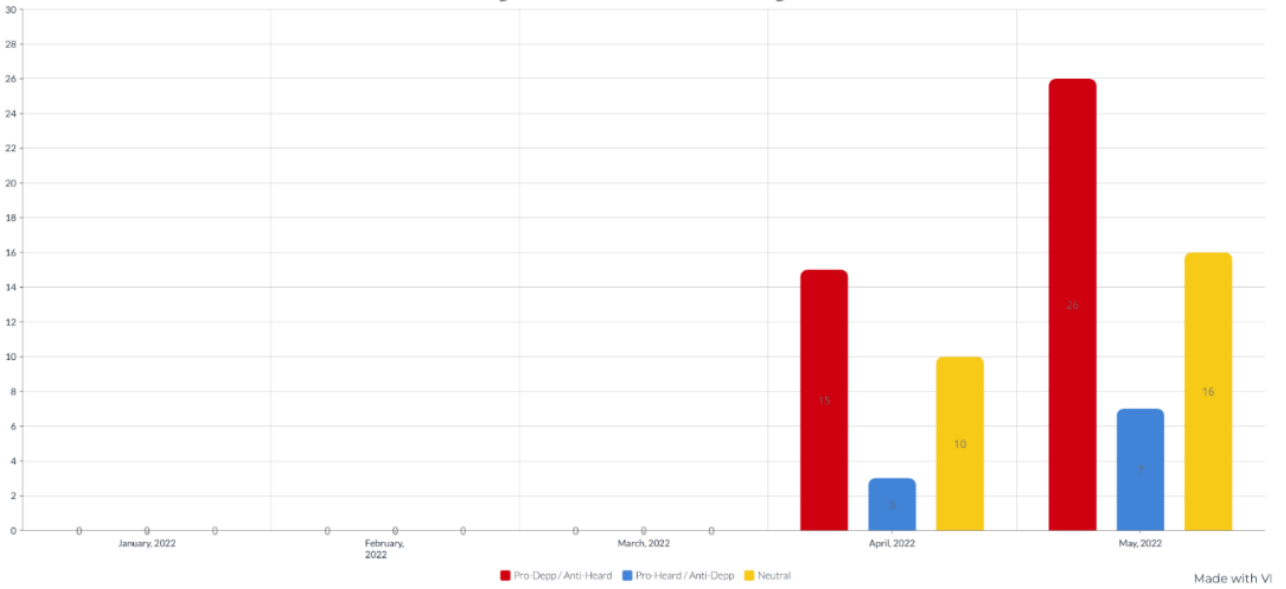


Figure 1 (A.5): Relevant articles published by Fox News from January 2022 – May 2022.

## CNN January 2022 - May 2022

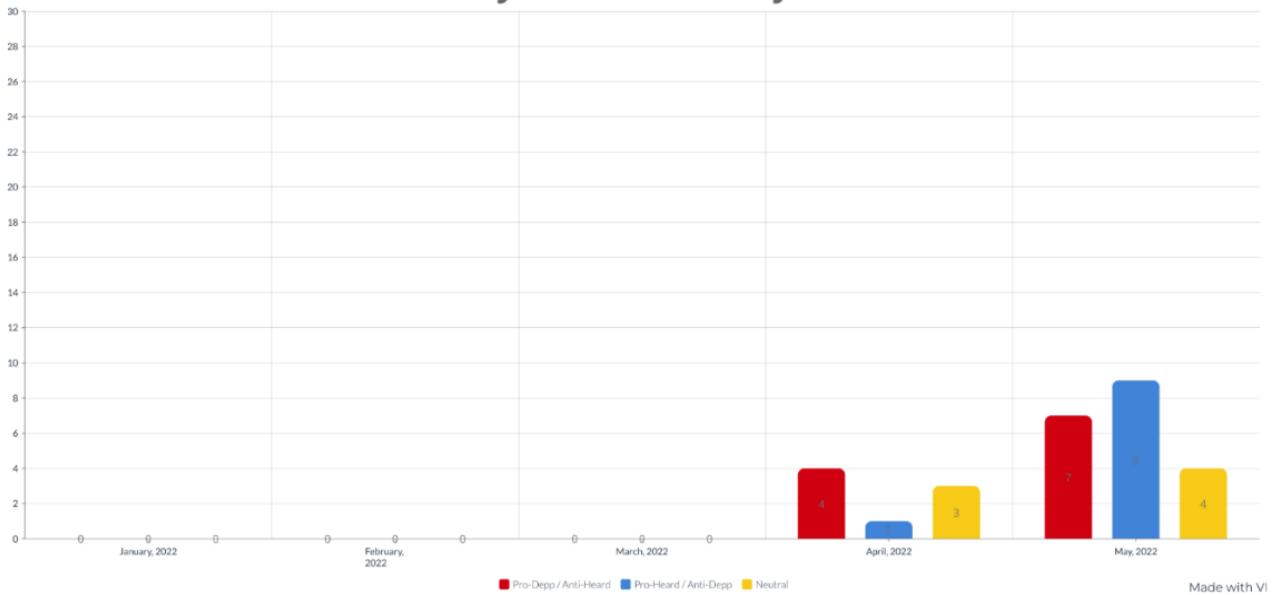


Figure 2 (A.12): Relevant articles published by CNN from January 2022 – May 2022.

While it is impossible to say for certain why Fox supported Depp more often and CNN supported Heard more often, it's reasonable to infer that the political leanings of both outlets may have played a role in how they covered the Depp trials. As a liberal outlet, CNN had an incentive to take Heard's side as that reinforced the women's rights perspective of the case, especially amongst the #metoo and #believeallwomen movements popular among left-leaning organizations. As a conservative outlet, Fox News had an incentive to take Depp's side as that counteracted the liberal notion that all accusations of domestic assault should be believed. This also allowed them to exhibit a male victim of domestic violence in order to contradict the idea that only women can be victims of domestic violence. These assumptions may also offer an explanation as to why there was such a large discrepancy between the number of articles each outlet published. It's possible that the reason Fox News published so many articles about the trial, and therefore so many articles in support of Depp or against Heard, was because of the support that perspective had in the court of public opinion. As social media began to be filled with Depp-supporters, there was a large appetite for Pro-Depp content. Fox News was happy to meet that desire with dozens of articles which would inevitably be spread across social media. Likewise, it's possible that Heard-supporting CNN also felt this shift in public opinion and simply decided to cover the trials less because shining more light on it would open CNN to ridicule. CNN may have believed it better not cover the trial at all than to cover the trial from their honest perspective and be mocked and shamed on social media for it.

While the parameters of the data collection began at the date of publication of The Sun's article in April of 2018, neither Fox News nor CNN would publish a single article about the accusations against Depp or the ensuing legal battle until months later. In fact, it wasn't until

August of 2018 that Fox would publish their first relevant article about the Depp v. Heard saga. CNN would take even longer, not publishing their first relevant article until October 2018. During the entirety of the British trial, which took place in July of 2020, Fox published only two articles, and in November of 2020 when the verdict was released, they published only three articles. CNN also only published two articles during the British trial, and when the verdict was released, they published only two articles. From the opening statements in the British trial to the release of the verdict, Fox published only 4.76% and CNN published only 10.81% of their total relevant articles from April 1st, 2018 to May 31st, 2022. Interestingly, neither news outlet paid much attention at all to Depp and Heard's legal battles outside of the American trial. During the two months of the American trial, April and May of 2022, Fox published 77 of their 105 relevant articles from the time surveyed. In that same time span, CNN published 28 of their 37 relevant articles. This means that for the entirety of Depp and Heard's legal troubles, Fox published 73.33% and CNN published 75.68% of their relevant articles during the American trial. Fox's coverage increased more than fifteen times between the British and American trials, and CNN's coverage increased almost seven times as much. These discrepancies can be seen by comparing Figure A.3 with Figure A.5 and Figure A.10 with Figure A.12. These graphs illustrate the differing amounts of coverage between the British and American trials by both Fox and CNN.

# Fox News January 2020 - December 2020

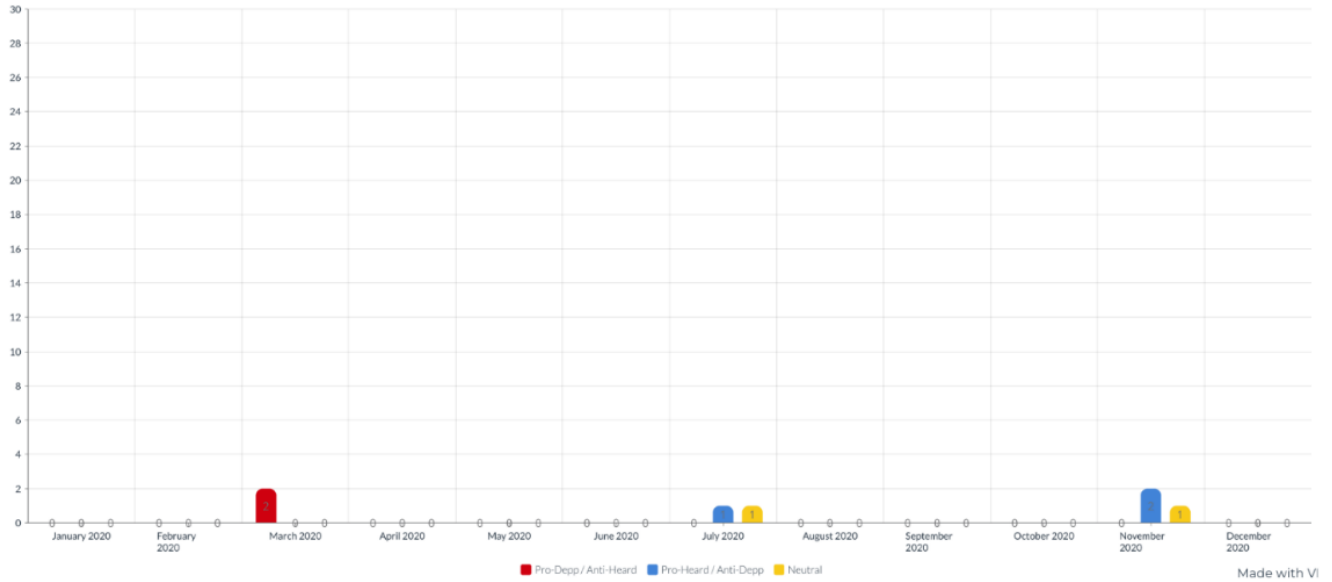


Figure 3 (A.3): Relevant articles published by Fox News from January 2020 – December 2020.

# Fox News January 2022 - May 2022

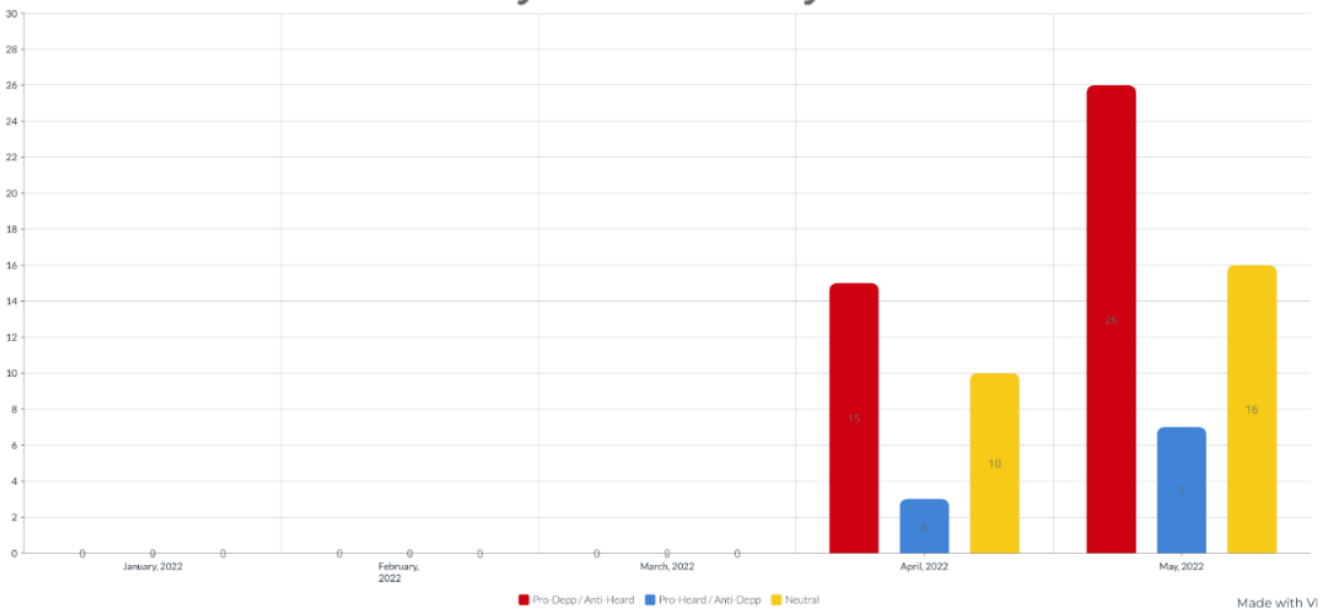


Figure 1 (A.5): Relevant articles published by Fox News from January 2022 – May 2022.



# CNN

## January 2020 - December 2020

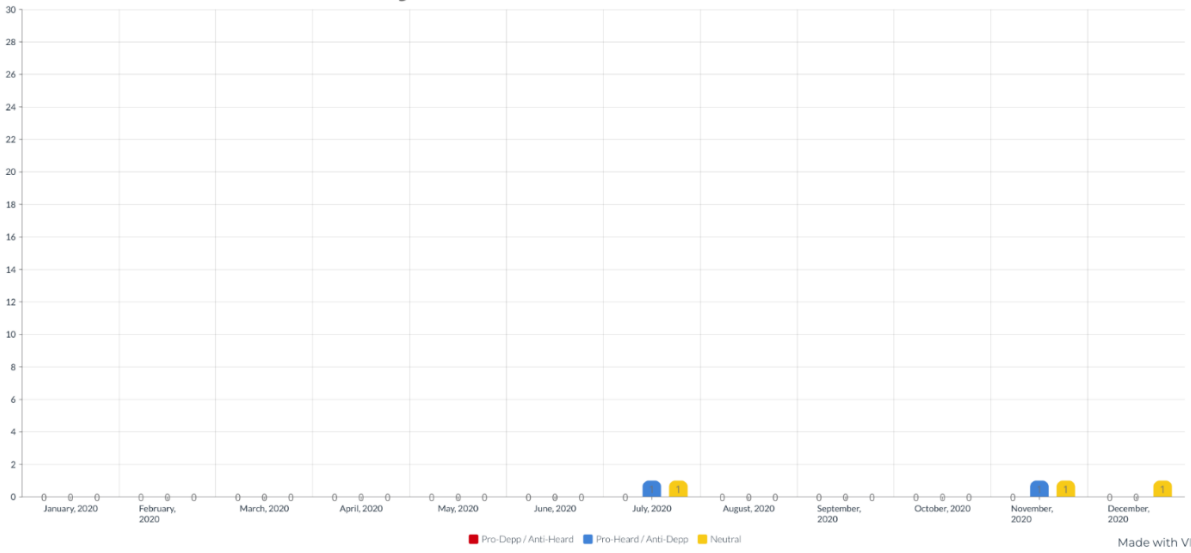


Figure 4 (A.10): Relevant articles published by CNN from January 2020 – December 2020.

# CNN

## January 2022 - May 2022

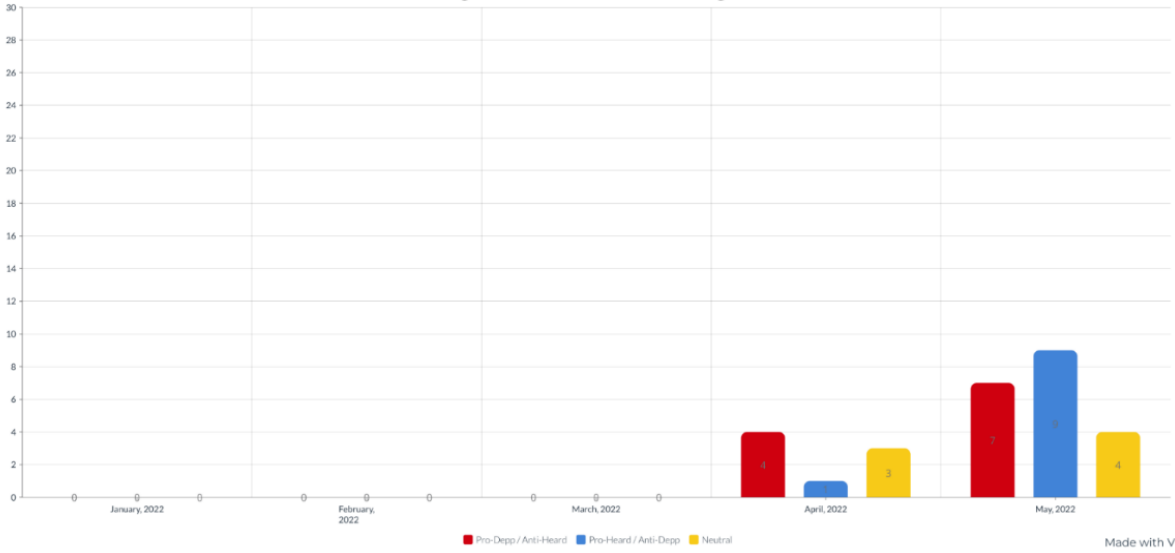


Figure 2 (A.12): Relevant articles published by CNN from January 2022 – May 2022.

There are two potential interpretations for why this may have been the case. It's possible that there was more public interest in the livestreamed American trial since there was more content to consume as opposed to the British trial where there were no cameras allowed, and therefore less available content for the interested public. This increased public interest might have inspired Fox and CNN to publish more articles in order to capitalize on the hunger for knowledge about the trial and boost their revenues. However, this theory does create a chicken-and-the-egg problem. It's impossible to say for certain whether the media's heavy coverage was really the result of high public interest, or if there a high public interest because they were being fed large amounts of coverage. Another potential cause of this discrepancy in coverage between the American and British trials may simply have been that these outlets are American, and therefore didn't feel an obligation to cover events outside of the United States, even though the British trial was about two American citizens.

## 5. POTENTIAL SOLUTIONS

Considering the massive amount of attention that the Depp v. Heard trial received in both traditional media and social media, and that the jury was not sequestered, it is an open question as to whether or not any of the jurors were aware of the media's coverage of the trial, or if that awareness affected their decision making. While we will almost certainly never know the extent to which the jury was aware of media coverage at the time, we do know that it is possible that any juror could easily have been tainted at any time, and that is a threat to the credibility of our courts. Therefore, it is clear that reformations need to be made to how our legal system handles high-profile trials.

The American judicial system is meant to be open and visible to the public, an important feature that allows for citizens to be aware of how the justice system is run, and to ensure that government officials are always able to be held accountable to the public. However, when a trial garners so much interest that it requires constant live streaming of the entire case and non-stop media coverage for months at a time, it threatens the ability of a court to operate independently from outside influence. We should, of course, never attempt to obstruct the transparency of the courts, nor should we try to limit people's interest in how they operate. As such, any solution must keep in mind both the rights of the public and the sanctity of the legal system.

Interest in the Depp v. Heard case was spurred on mostly by the constant live streaming of the case online, something made possible when the presiding judge, Judge Azcarate, allowed cameras into the courtroom. This live streaming allowed people all over the world to tune-in to the trial any time they wanted. The constant coverage spurred people to talk about the trial on social media, and more people seeing the discussion of the trial on social media encouraged more

people to watch the live stream. This attitude created a feedback loop that in turn generated more interest in traditional media outlets heavily covering the trial as well. The cameras were not necessarily the issue in the courtroom, the live streaming was.

In order to ensure the purity of the court while also protecting the public's right to be aware of the nation's justice system, cameras ought to be allowed to record the entire trial, but that footage should only be released *after* the jury has reached their verdict. This compromise would provide the public with complete transparency as to what occurred during the trial, while simultaneously ensuring that no public opinion can be formed about the trial until after the trial has completed, preventing the public from influencing the trial as it is in progress.

## 6. SUGGESTIONS FOR FUTURE RESEARCH

In my research, I was presented with answers to many of my questions pertaining to the Depp trials and how different types of media behaved during the trials. However, in conducting this research, I was left with several lingering questions I would like to see taken up by future researchers.

This research was originally intended to include a section in which I conducted a sentiment analysis of tweets related to Depp v. News Group Newspapers Ltd and Depp v. Heard, but such research was outside of my area of expertise. A sentiment analysis is an analytical method used by social scientists that utilizes an algorithm created by the researcher in order to catalog a series of texts as having either a positive or a negative sentiment. Sentiment analysis tests have long been considered to be useful tools for measuring public opinion by both social scientists and corporations alike, the most famous example in recent years was when sportswear retailer Nike used a sentiment analysis of Twitter in order to gauge the public's reaction to their support of Collin Kaepernick kneeling for the US national anthem<sup>15</sup>. By conducting this sentiment analysis, Nike was able to accurately gauge public opinion about Kaepernick's actions and their support of him. I had hoped to conduct a similar analysis during the dates of the trials in order to discover how Twitter's behavior towards the British and American trials were different, as well as how Twitter's reactions to the allegations made against Depp changed over time. Unfortunately, as I attempted to conduct this analysis, it became clear to me that I did not have the coding experience necessary in order to conduct a project of such scale. However, it is my sincere hope that someone with such experience will conduct that research one day.

However, Twitter is not the only social media platform that should be examined. For example, the video sharing based social media platform TikTok experienced a surge in content during the Depp v. Heard trial as users would repost snippets of the case as well as additional videos in conjunction with such clips. These videos were often comedic in nature, usually including jokes, skits, animations, or simply people's reactions towards the case, as well as some videos including legitimate legal analysis of the daily occurrences of the American trial. In addition, the video sharing site YouTube holds information that deserves to be studied as well. For example, on the YouTube channel "Law&Crime Network<sup>16</sup>," the primary channel for the live broadcasting of Depp v. Heard, videos in which Depp appears on the stand for direct examination often garner well over a million views, sometimes reaching into the tens of millions. However, videos in which Heard appears on the stand for her direct examinations struggle to break the million-views mark, with the highest seen videos only reaching a few million views. Future research on the reach of videos about the Depp saga as well as the differences between the spread of Pro-Depp and Pro-Heard videos would provide us with yet another dimension of understanding of how different media mediums covered these trials.

In my research, I was concerned with how different media mediums reacted to the Depp saga, however there were many forms of media that I never got a chance to study. I was unable to study any television news broadcasts of coverage of the trials or any news podcasts who were covering the trial. Considering the thousands of hours of content created with these mediums, it may be impossible to analyze every minute ever produced. Even so, I believe research into this area would serve to further our understanding of the media's behavior during the Depp saga, and hope to see it attempted.

In addition, the content analysis in this research focused on articles published by free media outlets such as Fox News and CNN. However, this method left out a large number of legacy media outlets who only release articles to paying subscribers. News organizations such as the New York Times and The Washington Post also covered the events of the Depp saga, but their coverage was locked behind a paywall, and therefore accessible to less people. Nevertheless, that coverage still exists and was consumed by some members of the public and deserves to be studied as well.

Not only was this research resigned to that of free media outlets, but it was also contained solely to American media outlets. As we know, the Depp saga was a tale of two trials, one taking place in England, and one taking place in the United States. While the research conducted in this paper dives into how American media outlets covered both of the trials, it does not touch on how outlets from around the world covered these trials. This research has shown that American outlets largely ignored the British trial while focusing heavily on the American trial, but is the reverse true as well? How other countries, especially England, covered the British trial and how they covered the American trial is a question of great importance, and could serve to illuminate the differences between news outlets from around the world.

## 7. CONCLUSION

In this thesis, we delved into how American media has behaved surrounding high profile jury trials as well as detailing the complicated legal differences between *Depp v News Group Newspapers Ltd* and *Depp v Heard*. We have shown that media outlets like Fox News and CNN would often take sides during the trials, that they produced vastly different amounts of coverage, and that both outlets were more concerned with the American trial than the British one.

With all of this in mind, the answer to the question as to why there were polar opposite verdicts between the British and American trials, even when they concerned essentially the same fact patterns becomes clearer. In the British trial, a judge presided over the case behind closed doors, but in the American trial, a jury provided the final verdict in a case that was livestreamed to the entire world. Not only was there a constant pressure of media presence bearing down on the jury for the entirety of the American trial, the jury was not sequestered in any way. After each day of court, every jury member returned home where they had access to their televisions, computers, and phones. Even if we assume good intentions for each jury member, avoiding any coverage about the trial may simply have been impossible. At any moment any one of them could have accessed a news broadcast, an article about the trial, or encountered any of the vast sea of content on social media, purposely or even by accident. While we will never know how many jurors may have accessed any information about the trial, with no safeguards, that number is almost certainly greater than zero.

While *Depp v News Group Newspapers Ltd* and *Depp v Heard* were both their own unique trials, their resulting verdicts provide us with valuable information about the results of media interaction with the justice system. As was shown in this research, *Depp v News Group*



Newspapers Ltd took place in England, was ruled on by a judge, garnered little media attention across American media outlets and social media, and had a burden of proof drastically in Depp's favor. Depp v Heard took place in the United States, was ruled on by a jury who was never sequestered, was livestreamed to the entire world, inspired a media obsession with the trial, and had a burden of proof vastly in favor of Heard's success. Depp's shocking loss in England and his surprising victory in America can be attributed to the only differences in the cases that really mattered, the jury and the media.

As the spread of information becomes infinitely faster, and the media becomes more involved in areas of American life that were once considered private, we must be prepared for more aspects of our lives to be decided in the court of public opinion. Because the incentives are not currently aligned for either the media or the public to change their ways, forward thinking attorneys would be wise to utilize this change in the legal landscape in their favor and in favor of their clients. In cases in which an attorney must represent a high-profile client in a jury trial, they may consider winning over the public as their primary goal, and the jury as a mere secondary one. Exclusive interviews with media outlets and the writing of opinion articles will become just as valuable courtroom tools as a knowledge of case law or the rules of evidence.

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## APPENDIX: GRAPHS OF COLLECTED DATA

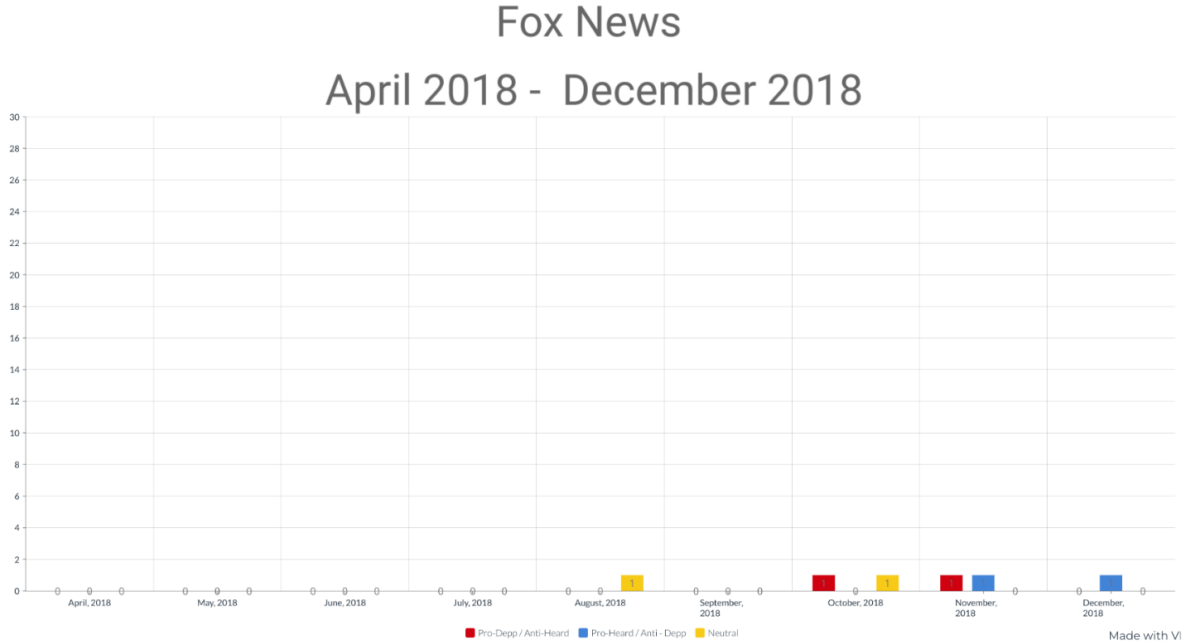


Figure A.1: Relevant articles published by Fox News from April 2018 – December 2018.

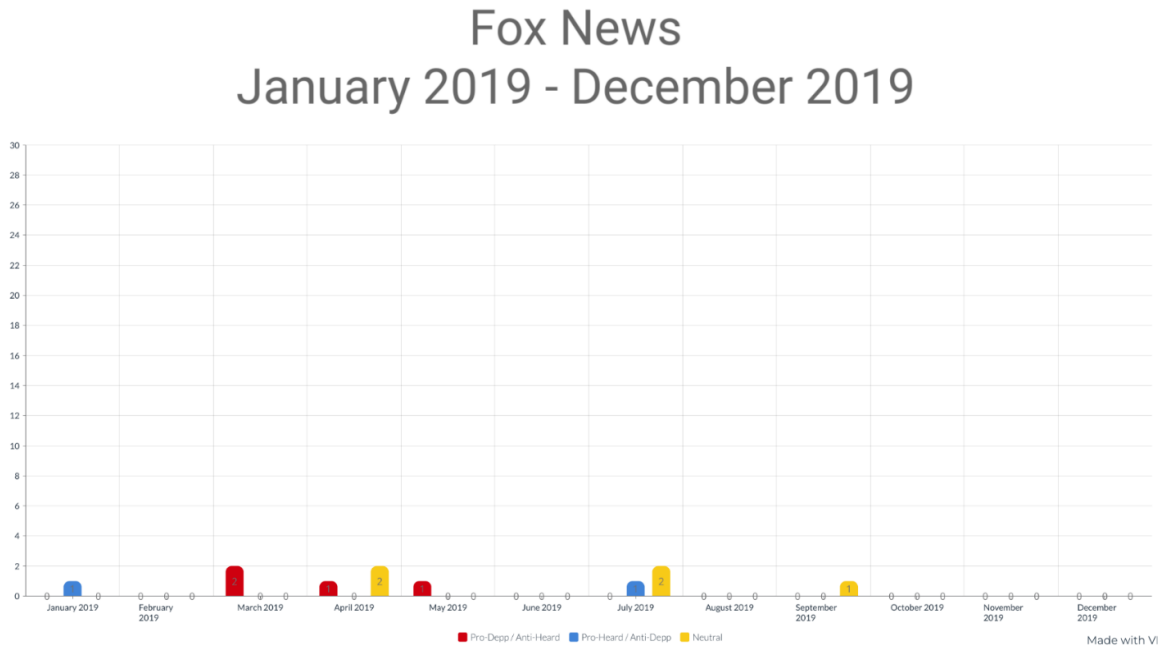


Figure A.2: Relevant articles published by Fox News from January 2019 – December 2019.

# Fox News January 2020 - December 2020

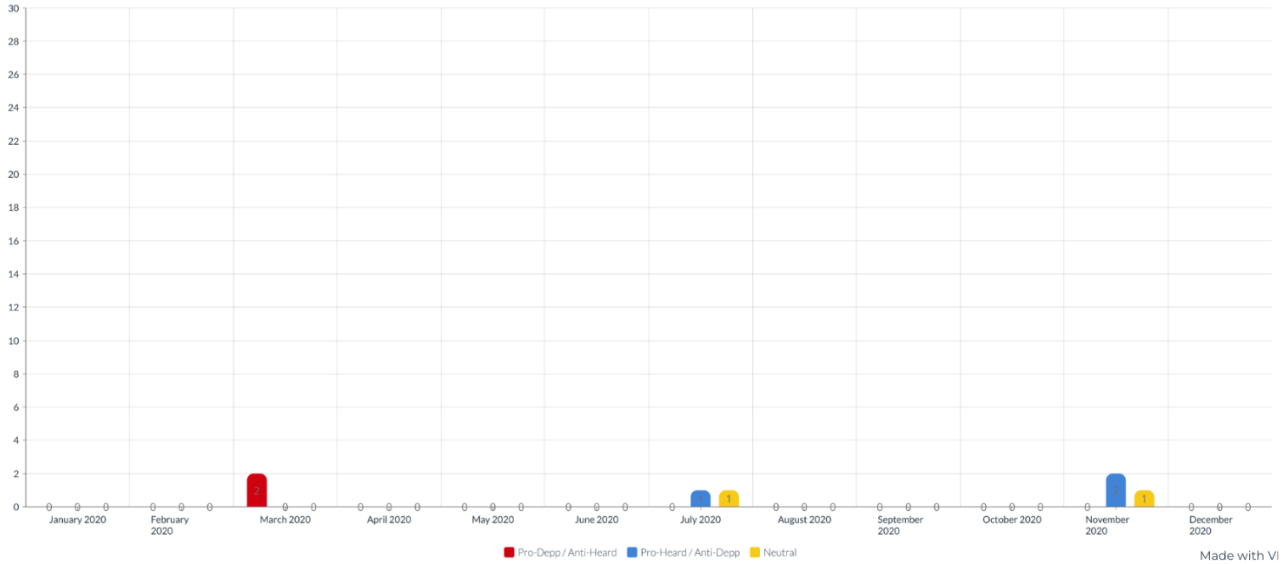


Figure A.3: Relevant articles published by Fox News from January 2020 – December 2020.

# Fox News January 2021 - December 2021

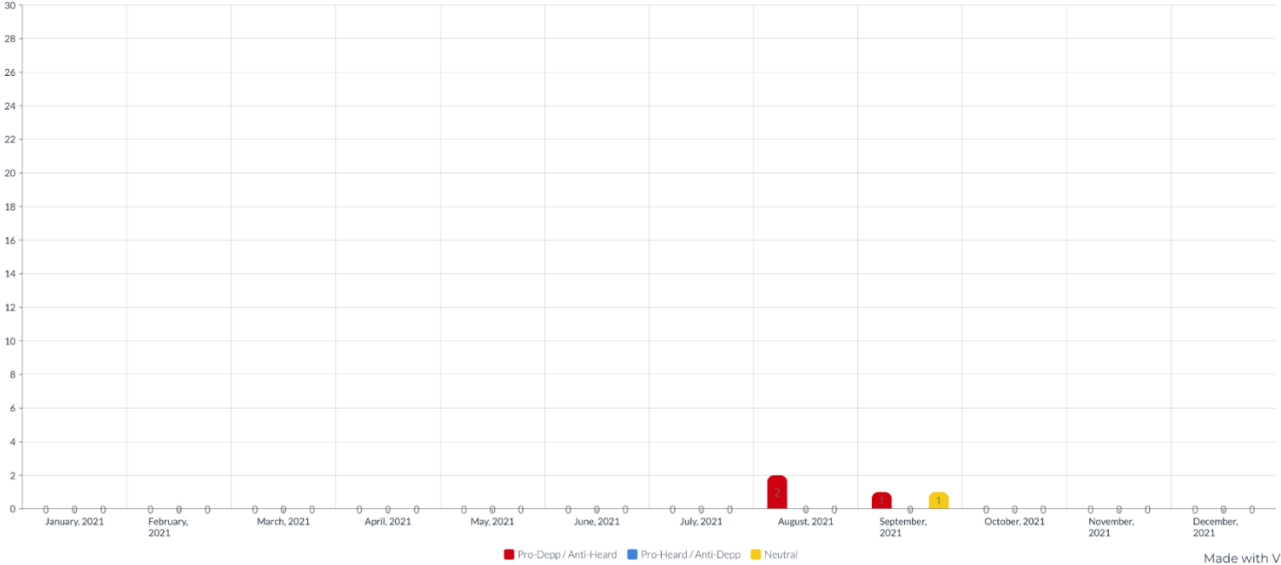


Figure A.4: Relevant articles published by Fox News from January 2021 – December 2021.

# Fox News January 2022 - May 2022

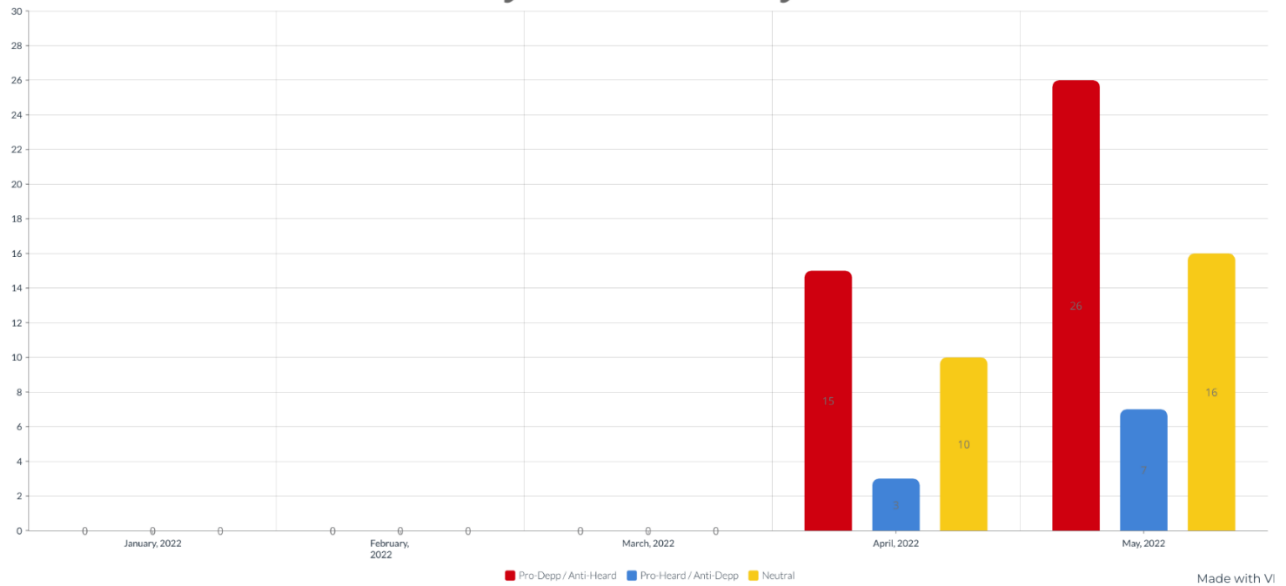


Figure A.5: Relevant articles published by Fox News from January 2022 – May 2022.

# Fox News April 2022

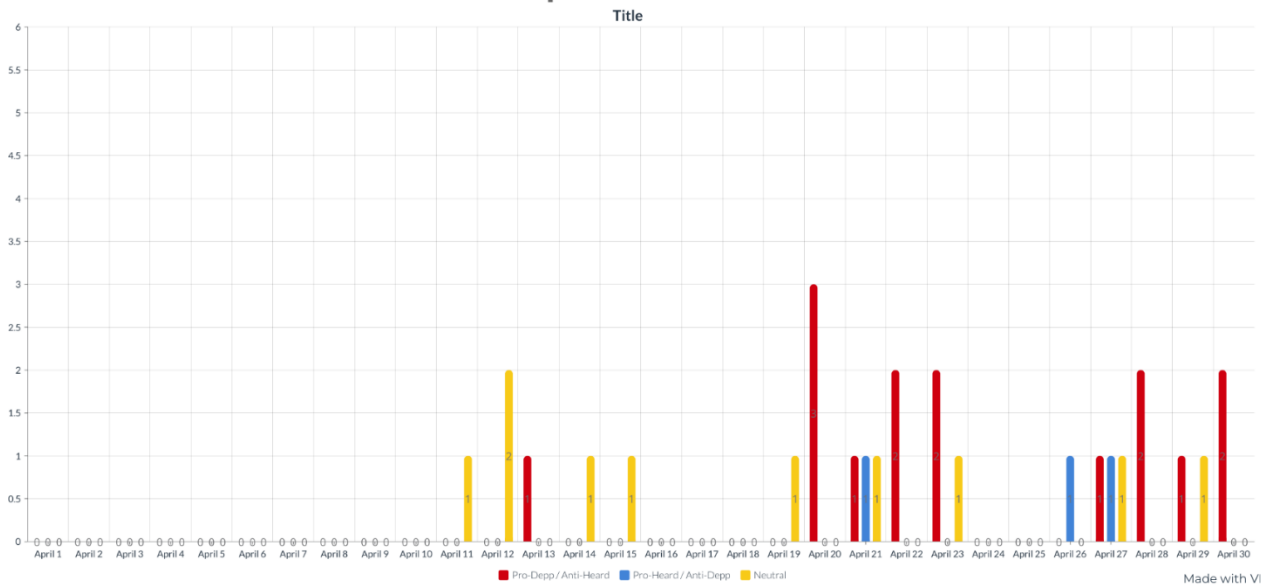


Figure A.6: Relevant articles published by Fox News in April 2022.

# Fox News May 2022

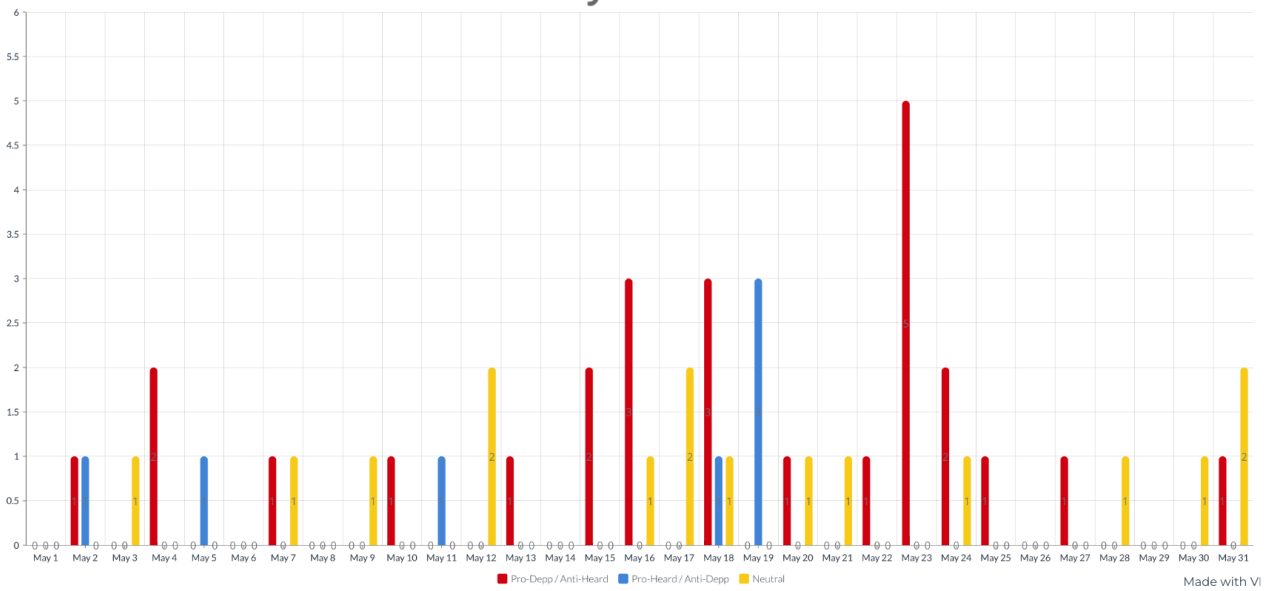


Figure A.7: Relevant articles published by Fox News in May 2022.

# CNN April 2018 - December 2018

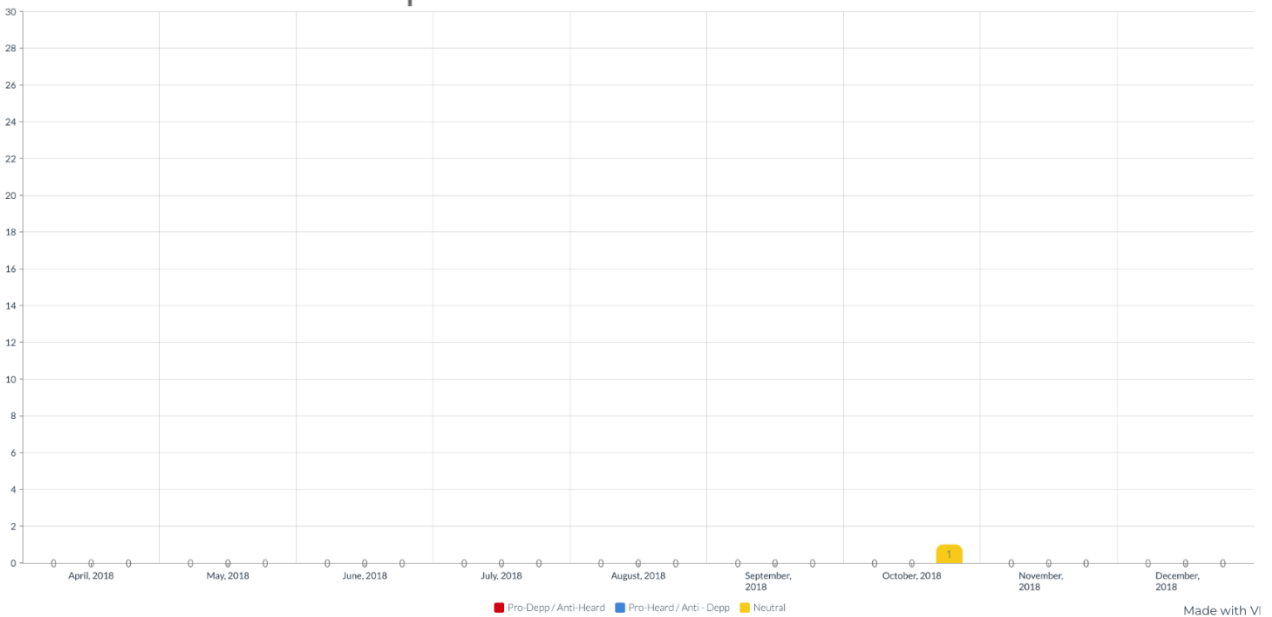


Figure A.8: Relevant articles published by CNN from April 2018 – December 2018.

# CNN

## January 2019 - December 2019

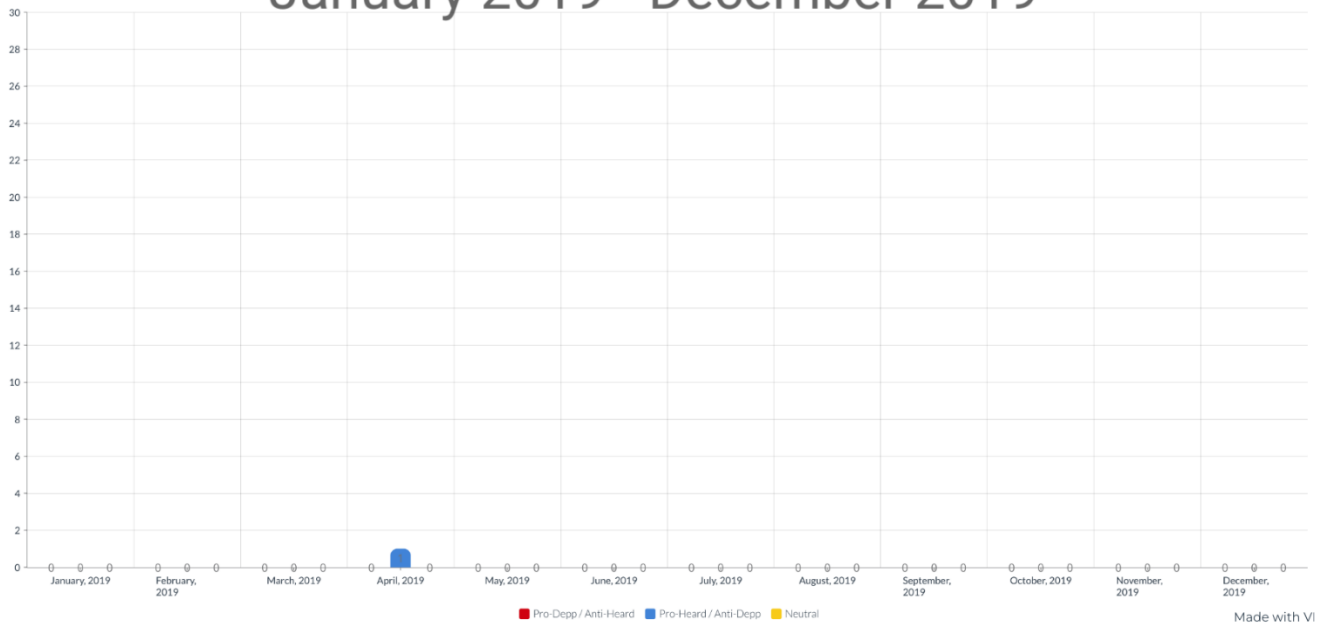


Figure A.9: Relevant articles published by CNN from January 2019 – December 2019.

# CNN

## January 2020 - December 2020

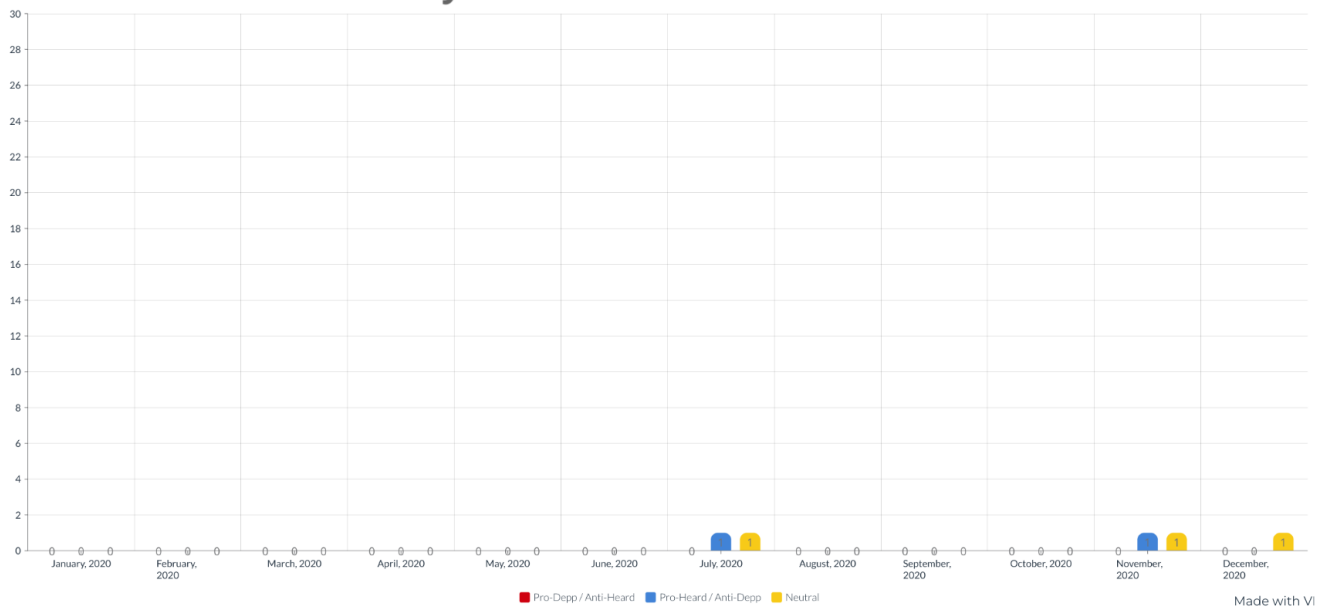


Figure A.10: Relevant articles published by CNN from January 2020 – December 2020.



# CNN

## January 2021 - December 2021

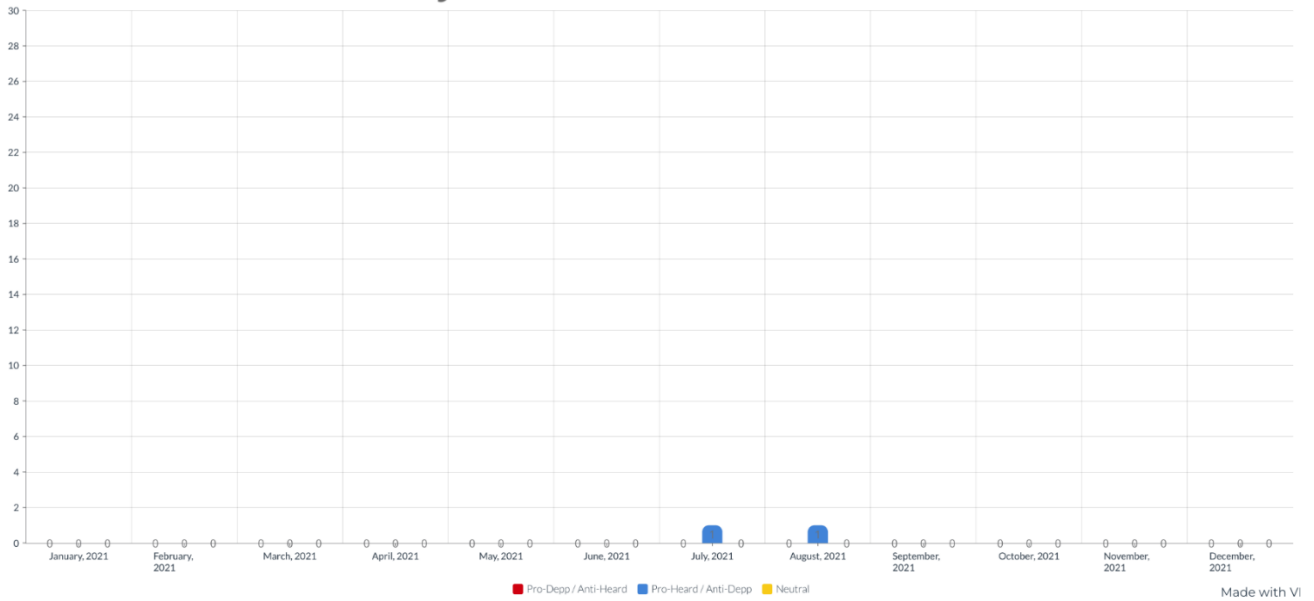


Figure A.11: Relevant articles published by CNN from January 2021 – December 2021.

# CNN

## January 2022 - May 2022

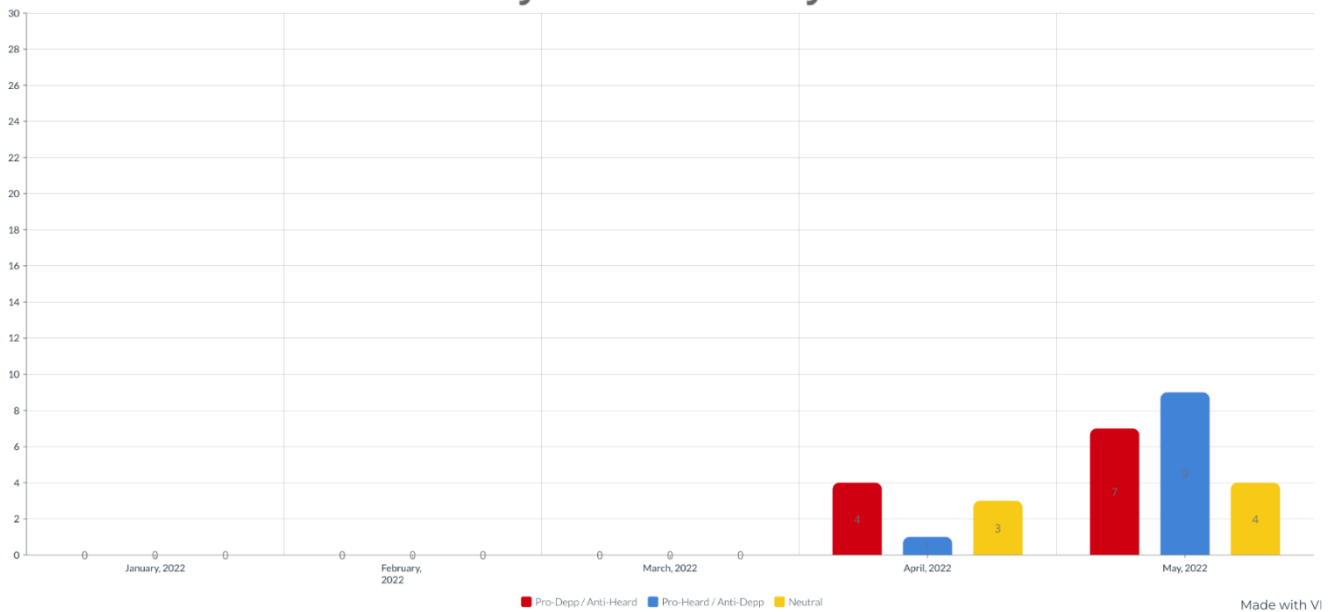


Figure A.12: Relevant articles published by CNN from January 2022 – May 2022.

# CNN April 2022



Figure A.13: Relevant articles published by CNN in April 2022.

# CNN May 2022

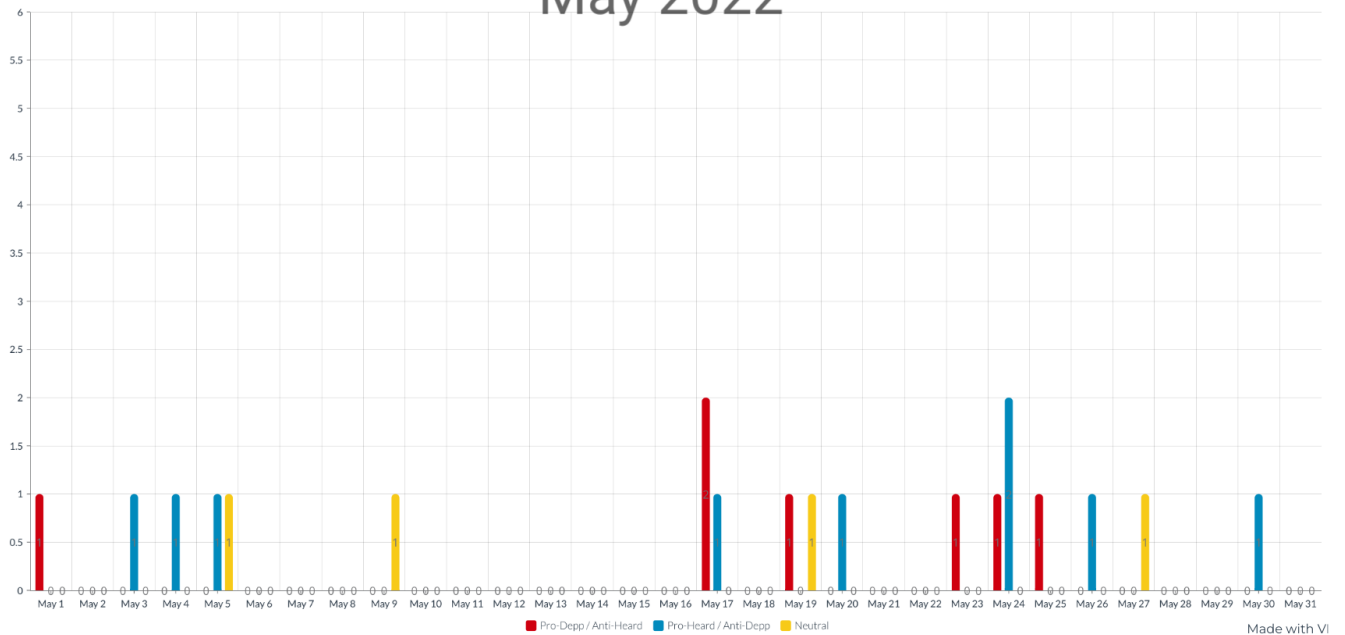


Figure A.14: Relevant articles published by CNN in May 2022.