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Defamation Lawsuits Typically Allow People To Restore Their Reputations. That's Not the Case for Depp v. Heard and Blac Chyna v. Kardashians, Experts Say Azmi Haroun and Erin Snodgrass

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[\[Link\]](#)

Defamation lawsuits pursued by celebrities like [Blac Chyna against members of the Kardashian-Jenner family](#) and by [Johnny Depp against his ex-wife Amber Heard](#) could cause lasting reputational harm to all parties, according to legal experts who spoke to Insider.

Suing for defamation has traditionally been a mechanism for people to restore their reputation, John Culhane, professor of law at Widener University Delaware Law School told Insider. If someone makes false and disparaging comments about a person, a defamation lawsuit allows the aggrieved to fight back, theoretically clearing up lies about their character and oftentimes pocketing monetary damages in the process.

But the spate of recent high-profile defamation trials, with celebrity witnesses and sordid details, may be doing the exact opposite for those involved.

"You want people to be able to use defamation suits to do what defamation is intended to do," Culhane said. "These types of lawsuits may be a deterrent to that."

Jeff McFarland, a veteran entertainment litigator with McKool Smith who has represented clients on both sides of a defamation claim, said that "99% of the time, I'm successful in talking them out of" filing a defamation lawsuit, because of the potential reputational hazards across the board.

"The problem with bringing a defamation case is that one defamatory comment that was in an online publication or got repeated once on a broadcast, then gets repeated tens of thousands of times as so and so is suing for defamation," McFarland said. "People hear it enough that they associate it with being true."

The risk of bad facts coming out during cross-examination

Blac Chyna, whose legal name is Angela White, [was seeking \\$100 million in damages](#) from Kris Jenner, Kim Kardashian, Khloé Kardashian, and Kylie Jenner, alleging that they unfairly trash-talked her to E! executives five years ago following her split with Rob Kardashian, leading to the cancellation of their "Keeping Up With The Kardashians" spin-off series "Rob & Chyna."

In early May, a Los Angeles [jury rejected all of Blac Chyna's defamation and contract-interference-damage claims](#) after much of the trial focused on domestic disputes between Chyna and Rob Kardashian. An incident where Chyna pointed a gun at Rob's head took center-stage, and McFarland said that Chyna's testimony that she was ["just being silly"](#) hurt her defamation claim – and potentially her long-term reputation.

"There's no joke there ever when it involves a firearm," McFarland said. "I think that was the linchpin of where the defamation side of things fell apart because the claim was that she was falsely accused of being dangerous."

McFarland said that the public's favorable opinion of the Kardashians helped sway the case. He added that for Chyna, "bad facts coming out on cross-examination, it makes you look like a liar."

"I think the Kardashian lawyers did a very good job of preparing their clients to be honest, truthful, believable, compassionate, but straightforward, all the things that you want a witness to do and that the Kardashians executed on it sort of brilliantly," McFarland said.

The Kardashian-Jenner women managed to escape the trial with their reputations relatively unscathed, Culhane told Insider. Despite some [insider discussion around the making of their reality television](#)

[series](#) and some minor revelations about [the women's relationships](#), the Kardashian-Jenners were able to avoid delving too deep into their personal lives.

Fandom and acting can't win a case

The same has not been true in Depp v. Heard — an ongoing, weeks-long case that has [captured the internet's attention](#) in a fierce, oftentimes unseemly way.

"Whatever is true in this case, I feel that both of their reputations are really taking a beating," Culhane said.

At the center of the case is Heard's [2018 Washington Post op-ed article](#), in which she said she was a survivor of domestic and sexual violence. The piece did not name Depp.

Depp has accused Heard of [ruining his reputation and career](#) by insinuating that he abused her. An attorney for Depp said in opening statements that the publication "[falsely and unfairly characterized Mr. Depp as a villain.](#)" Heard has denied Depp's defamation allegations and says in a \$100 million counterclaim that he [assaulted](#) her before and during their marriage, which ended in divorce in 2016. Depp has denied the claims.

From a legal standpoint, Culhane told Insider he would have advised Depp against bringing the case. From being forced to admit to [longtime substance abuse issues](#) to having his [violent texts about Heard read in open court](#), the trial is likely doing little to restore his reputation, Culhane said.

"I see no chance that Johnny Depp's reputation will be improved by this lawsuit even if the jury ultimately finds in his favor," Culhane told Insider.

While Depp's fanbase — an [intense group of vocal and ardent supporters](#) — might feel vindicated in the case of a Depp victory, the actor's career is unlikely to benefit, Culhane said.

"Will that bring any new attention to his not-so-successful career these days?" Culhane said. "I can't imagine it's enough to really get him his next feature attraction."

Even as the defendant in the case, Heard's reputation is significantly suffering as well. Earlier this month, a trial consultant told [Insider's Jacob Shamsian and Ashley Collman that Heard overacted on the stand](#) during her testimony — a possible pitfall that juries are quick to judge.

"Juries are smart, they smell BS easily and will punish you harshly," McFarland said.

"It's the one time that [performers] can't act," McFarland told Insider. "I don't think either one is succeeding in coming across as being likable and truthful, and it seems like everybody's losing in that."

"I could see the jury sending a note that said, 'Do we have to pick a winner?'" McFarland said.