

STUDY GUIDE

THE US CIVIL COURT



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LETTER FROM SECRETARY GENERAL

Dear Participants,

It is I, Recep Eren Durgut, a senior student at Bogazici University Industrial Engineering Department. As the Secretary-General, I would like to welcome you all to the 6th official session of BoğaziçiMUN. For February, our academic and organizational team have been working for almost a year now. I would like to thank Deputy Secretaries-General Kaan Akkas and Kaan Oztoprak for their efforts in the journey. And a big appreciation to Oyku Efendi and Kaan Berker for their efforts and cooperation during the process.

From the point the journey of BoğaziçiMUN started, it's been years of hard work and sacrifices to achieve the best conference to satisfy your demands and needs. Years of tears, generations, and conflicts have now grown up for the year 2024. By the experience we had gained from the previous versions every year, our capabilities have become the finest version of the BogaziciMUN history. Every year, you, our participants develop a better global perspective, a better understanding of politics, and a sweet and sometimes bitter taste of global interactions. The year 2024 will welcome us with new agendas for future discussions and negotiations. As the Secretary General of BoğaziçiMUN, you have my full trust and support to address these agendas. BogaziciMUN is a place where you can find love, lifelong friendships, and chosen siblings. Months of hard work are just for you to be able to experience the best and find the ones that can change your life. BoğaziçiMUN has been 'Bridging the Gap' for years and with the new version of it, the gap, and the way we bridge will be different and unique.

In every story, there has always been a point where the heroes have to say goodbye. I would like to thank the heroes of the BoğaziçiMUN who are retired, but their legacy and vision will always be remembered.

Last but not least,

Welcome to the BoğaziçiMUN'24, where we are "Bridging the Gap".

Recep Eren Durgut
Secretary-General of Boğaziçi MUN 2024

LETTER FROM UNDER SECRETARIES

GENERAL

Dear Distinguished Participants,

It is a privilege to serve as the Under Secretaries General of the United States Civil Court at the BogaziciMUN'24.

Upon deciding to undertake this court, we contemplated that the selection of the case Amber Heard v. Johnny Depp could be not only enjoyable but also instructive for all participants. In high-profile legal disputes of this nature, the inevitability of information distortion and partisanship prevails. Our aim was to introduce a legal perspective to these incidents, with the hope of achieving success in navigating through the complexities.

Additionally, we placed great importance on the titling of the study guide to prevent drowning in the pool of information. We hope that this approach will facilitate your reading experience. We anticipate that all participants will familiarize themselves with this guide before the conference, and engage in fruitful debates.

Also, we would like to express our gratitude to a few individuals. Our heartfelt thanks go to Secretary-General Recep Eren Durgut for being incredibly supportive. We also extend our appreciation to Deputy Secretaries General Kaan Akkaş and Kaan Öztoprak who have been invaluable companions throughout the process. A special acknowledgement goes to our Director General Öykü Efendi and Deputy Director General Kaan Berker for their exceptional organizational skills and their contribution to our court's composition.

Finally, we would like to thank our academic assistant, Esat Emir Temiz for being an outstanding support in a detailed manner and allowing us to relish the process.

We believe that these four days will be unforgettable memories in your mind. We are looking forward to meeting you at the conference. If you have any questions or concerns, please do not hesitate to contact us.

Best Regards,
Irmak Gül & Hakkı Atanur Duman

LIST OF ABBREVIATIONS

US	United States
TONA	Titles of Nobility Amendment
LAPD	Los Angeles Police Department
ACLU	American Civil Liberties Union
CHLA	Children's Hospital Los Angeles

A. INTRODUCTION TO THE COURT

a. Introduction to the United States Civil Court

A civil case pertains to a private legal dispute that does not involve criminal charges and typically centres around disputes over private property rights. This includes the protection of rights outlined in the Constitution or federal and state laws. Breach of contract, probate, divorce, negligence, and copyright infringement are among the many types of civil lawsuits that exist.

The Federal civil justice system handles cases with far-reaching impacts on American life. Antitrust actions, civil rights cases, copyright claims, citizen disputes with governmental agencies or private enterprises, and scores of other matters generate a civil justice caseload that far exceeds the volume of Federal criminal cases. Glimpses of Federal civil justice activities are found daily in the press: "Elderly seek broader interpretation of social security regulations", "Prisoners sue prison officials" and "High tech firm claims patent infringement". While these stories provide a vague image of the contours of the Federal civil justice system, they by no means reveal the full scope of civil case processing activity.¹

A civil case starts when a person or entity (the plaintiff) claims that another person or entity (the defendant) has failed to perform a legal responsibility owed to the plaintiff. The plaintiff and the defendant are also called "parties" or litigants". The plaintiff may ask the court to tell the defendant to fulfil the obligation to make compensation for the harm or both.

¹ Steven R. Schlesinger, 'The Federal Civil Justice System' [1987] Bureau of Justice Statistics Bulletin 1

A vast number of civil cases are settled by the parties prior to case filing or court disposition. In some disputes, for example, individuals may simply decide not to "make a Federal case" out of a particular issue, due to priorities, costs, and available litigating resources. In some of these instances (s, the threat of filing a case is used simply to provide leverage to gain a settlement. Such cases, and the workload associated with them, are not, of course, reflected in the data describing the number of cases filed. Once the decision is made to file a case, complex strategies are initiated involving pretrial discovery and motions. At any point in this process, a settlement may be reached by the parties and the case withdrawn from the court docket.

Civil procedure is not reserved to the federal government in its Constitution. As a result, each state is free to operate its system of civil procedure independent of its sister states and the federal court system.²

b. A Comparison Between Federal And The Supreme Courts

Federal courts hear cases involving the constitutionality of a law, cases involving the laws and treaties of the U.S. ambassadors and public ministers, disputes between two or more states, admiralty law, also known as maritime law, and bankruptcy cases. The federal judiciary operates separately from the executive and legislative branches but often works with them as the Constitution requires. Federal laws are passed by Congress and signed by the President. The judicial branch decides the constitutionality of federal laws and resolves other disputes about federal laws. However, judges depend on the government's executive branch to enforce court decisions. Courts decide what happened and what should be done about it. They decide whether a person committed a crime and what the punishment should be. They also provide a

² Depp v. Heard, U.S. Virginia, Fairtax.

peaceful way to decide private disputes that people can't resolve themselves. Depending on the dispute or crime, some cases end up in the federal courts and some end up in state courts.

The Supreme Court is the highest in the United States. Article III of the U.S. Constitution created the Supreme Court and authorized Congress to pass laws establishing a system of lower courts. In the federal court system's present form, 94 district-level trial courts and 13 courts of appeals sit below the Supreme Court.

"EQUAL JUSTICE UNDER LAW"-These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under the law and, thereby, also functions as guardian and interpreter of the Constitution. The Supreme Court is "distinctly American in concept and function," as Chief Justice Charles Evans Hughes observed. Few other courts in the world have the same authority of constitutional interpretation and none have exercised it for as long or with as much influence. In 1835, the French political observer Alexis de Tocqueville noted the unique position of the Supreme Court in the history of nations and jurisprudence. "The representative system of government has been adopted in several states of Europe," he remarked, "but I am unaware that any nation of the globe has hitherto organized a judicial power in the same manner as the Americans. . . . A more imposing judicial power was never constituted by any people." The unique position of the Supreme Court stems, in large part, from the deep commitment of the American people to the Rule of Law and to constitutional government. The

United States has demonstrated an unprecedented determination to preserve and protect its written Constitution, thereby providing the American "experiment in democracy" with the oldest written Constitution still in force.

The Constitution of the United States is a carefully balanced document. It is designed to provide for a national government sufficiently strong and flexible to meet the needs of the republic, yet sufficiently limited and just to protect the guaranteed rights of citizens; it permits a balance between society's need for order and the individual's right to freedom. To ensure these ends, the Framers of the Constitution created three independent and coequal branches of government. That this Constitution has provided continuous democratic government through the periodic stresses of more than two centuries illustrates the genius of the American system of government. The complex role of the Supreme Court in this system derives from its authority to invalidate legislation or executive actions which, in the Court's considered judgment, conflict with the Constitution. This power of "judicial review" has given the Court a crucial responsibility in assuring individual rights, as well as in maintaining a "living Constitution" whose broad provisions are continually applied to complicated new situations. While the function of judicial review is not explicitly provided in the Constitution, it had been anticipated before the adoption of that document.

Prior to 1789, state courts had already overturned legislative acts which conflicted with state constitutions. Moreover, many of the Founding Fathers expected the Supreme Court to assume this role in regard to the Constitution; Alexander Hamilton and James Madison, for example, had underlined the importance of judicial review in the Federalist Papers, which urged the adoption of the Constitution. Hamilton had written that through the practice of judicial review, the Court ensured that the will of the whole people, as

expressed in their Constitution, would be supreme over the will of a legislature, whose statutes might express only the temporary will of part of the people. And Madison had written that constitutional interpretation must be left to the reasoned judgment of independent judges, rather than to the tumult and conflict of the political process. If every constitutional question were to be decided by public political bargaining, Madison argued, the Constitution would be reduced to a battleground of competing factions, political passion and partisan spirit. Despite this background, the Court's power of judicial review was not confirmed until 1803, when it was invoked by Chief Justice John Marshall in *Marbury v. Madison*. In this decision, the Chief Justice asserted that the Supreme Court's responsibility to overturn unconstitutional legislation was a necessary consequence of its sworn duty to uphold the Constitution. That oath could not be fulfilled any other way. "It is emphatically the province of the judicial department to say what the law is," he declared. In retrospect, it is evident that constitutional interpretation and application were made necessary by the very nature of the Constitution. The Founding Fathers had wisely worded that document in rather general terms leaving it open to future elaboration to meet changing conditions. As Chief Justice Marshall noted in *McCulloch v. Maryland* in 1819, a constitution that attempted to detail every aspect of its own application "would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. . . . Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves." The Constitution limits the Court to dealing with "Cases" and "Controversies." John Jay, the first Chief Justice, clarified this restraint early in the Court's history by declining to advise President George Washington on the constitutional implications of a proposed foreign policy decision. The Court does not give advisory opinions; rather, its function is limited only to deciding specific cases.

The Justices must exercise considerable discretion in deciding which cases to hear since approximately 5,000-7,000 civil and criminal cases are filed in the Supreme Court each year from the various state and federal courts. The Supreme Court also has "original jurisdiction" in a minimal number of cases arising out of disputes between States or between a State and the Federal Government. When the Supreme Court rules on a constitutional issue, that judgment is virtually final; its decisions can be altered only by the rarely used procedure of constitutional amendment or by a new ruling of the Court. However, when the Court interprets a statute, new legislative action can be taken. Chief Justice Marshall expressed the challenge which the Supreme Court faces in maintaining free government by noting: "We must never forget that it is a constitution we are expounding . . . intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs."³

13 appellate courts sit below the U.S. Supreme Court, and they are called the U.S. Courts of Appeals. The 94 federal judicial districts are organized into 12 regional circuits, each of which has a court of appeals. The appellate court's task is to determine whether or not the law was applied correctly in the trial court. Appeals courts consist of three judges and do not use a jury.

A court of appeals hears challenges to district court decisions from courts located within its circuit, as well as appeals from decisions of federal administrative agencies.

³ "The republic endures and this is the symbol of its faith." Chief Justice Charles Evans Hughes

In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws, and cases decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims.

District Courts

The nation's 94 district or trial courts are called U.S. District Courts. District courts resolve disputes by determining the facts and applying legal principles to decide who is right.

Trial courts include the district judge who tries the case and a jury that decides the case. Magistrate judges assist district judges in preparing cases for trial. They may also conduct trials in misdemeanor cases. There is at least one district court in each state and the District of Columbia. Each district includes a U.S. bankruptcy court as a unit of the district court. Four territories of the United States have U.S. district courts that hear federal cases, including bankruptcy cases: Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

There are also two special trial courts. The Court of International Trade addresses cases involving international trade and customs laws. The U.S. Court of Federal Claims deals with most claims for money damages against the U.S. government.

Article I Courts

Congress created several Article I, or legislative courts, that do not have full judicial power. Judicial power is the authority to be the final decider in all

questions of Constitutional law, all questions of federal law and to hear claims at the core of habeas corpus issues. Article I Courts are:

- U.S. Court of Appeals for Veterans Claims
- U.S. Court of Appeals for the Armed Forces
- U.S. Tax Court

c. Virginia Law

The Code of Virginia is the official record of laws enacted by the Virginia General Assembly and signed by the governor. These laws apply to everyone in the Commonwealth of Virginia.

The Code of Virginia is organized into 67 titles dealing with particular topics; titles are organized into chapters. Virginia Rules focuses mainly on information about juvenile courts (Title 16.1), about crimes (Title 18.2), and about education (Title 22.1).

Though compilations of Virginia legislation were published before the Code of 1819, these were organized by their date of enactment rather than by subject matter, and so lacked the integration of modern codes. The legislation of the Colony of Virginia was not even officially published for the first 175 years of its lawmaking history. Aside from original manuscript copies that were commonly misplaced or left to rot in county courthouses, information on new legislation was largely spread by word of mouth. Aside from a few collections printed in London, the first unofficial publication of Virginia laws was in 1733, when Virginia newspaper pioneer William Parks published A collection of all the acts of the Assembly of Virginia.

Official action was not taken until 1808, after Virginia became part of the United States when the Virginia General Assembly tasked William Waller Hening with the publication of the state's laws. His thirteen-volume Statutes at Large (1809–23) were not comprehensive due to the loss of many records but included all the session laws Hening could find dating from 1619 to 1792, as well as royal charters. Many of these came from the personal collection of Thomas Jefferson, who had preserved manuscript copies of legislation as early as 1734 and had offered to take on the task of publishing himself decades prior to Hening's work.

The Code of 1819

The Code of 1819 was the first codification in Virginia that organized the statutory law by subject matter. On March 12, 1819, the Virginia General Assembly passed "An Act Providing for the re-publication of the Laws of this Commonwealth," and the resulting Code of 1819 entered into force on January 1, 1820. The Revised Code of the Laws of Virginia: Being A Collection of all such Acts of the General Assembly, of a Public and Permanent Nature as are now in Force contained 262 chapters arranged in 23 subject titles, and was published in two volumes by Thomas Ritchie, Printer to the Commonwealth.

Benjamin Watkins Leigh, member of the Virginia House of Delegates member and later reporter for the Virginia Supreme Court of Appeals, was appointed superintendent over the publication by the March 12 Act. The General Assembly, provided him with an eight-page list of which laws to codify and expressly told him to ignore the date of enactment and categorize them instead by subject. Leigh was assisted by Hening.

Several other states had already organized their codes by subject, but conservative jurists, such as those who composed Virginia's bar, preferred the tradition of dating public acts from the year of independence. Leigh

accordingly wrote an apologetic note in his preface to the Code on this issue and retained the dates in the side margin.

The Code of 1819 mistakenly included the proposed Titles of Nobility Amendment to the U.S. Constitution, which would have been the Thirteenth Amendment had it been ratified. Modern-day proponents of TONA's enactment incorrectly point to its inclusion as evidence that Virginia had ratified it, but it was merely an editorial error due to incorrect information.

The Code of 1849

The Code of 1849 has been considered the most thorough revision ever of Virginia law. The General Assembly approved it in 1849, and it entered into force on July 1, 1850. The Code of 1849 contained 216 chapters in 56 titles, with individually numbered sections in each chapter. It also included annotations, in the form of footnotes that traced the development of institutions and legal doctrines back to the 17th century. It was nonetheless fewer than 1000 pages, something its compilers were proud of.

The Code of 1849 was principally the work of former U.S. Congressman and acting governor of Virginia, John M. Patton, and legal scholar and Virginia Supreme Court reporter Conway Robinson. They had been asked by the General Assembly in 1846 to "suggest such contradictions, omissions or imperfections, as they may perceive in the statutes" and to revise the code "in such as manner as in their opinion will render the said general statutes most concise, plain and intelligible." Patton and Robinson submitted five reports to the General Assembly between 1847 and 1849, and their work was finally adopted and passed by the General Assembly with only minor modifications.

The 1849 revision was generally accepted as a modernization of Virginia statutory law and remained in force for almost 40 years, including during the

temporary secession of Virginia from the United States during the American Civil War. It also became the first statutory law of West Virginia, when it broke off from Virginia in 1863 to be admitted as a separate state.

The code was updated in 1860 and 1873, but neither edition was adopted by the General Assembly as a revision. By the 1870s, the code had expanded to more than 1,500 pages and contained numerous redundancies.

The Code of 1887

In 1884, the General Assembly authorized a new code and appointed three revisors—two former and one future Supreme Court of Appeals judges—to correct contradictions, omissions, and other errors in the statutes "without producing a radical change in the present system." The General Assembly also required the sections of the new code to be numbered in one sequence, following the system adopted in 1873 by the Revised Statutes of the United States, which simplified citation to Virginia statutes. The revisors submitted the manuscript of their proposed code without having made any written progress reports, which the General Assembly passed without amendment with "An act to revise, arrange, and consolidate into a Code the general statutes of the Commonwealth," approved on May 16, 1887. The Code of 1887 went into effect on May 1, 1888.

The flaws of the Code of 1887 included its lack of provision for supplementation and an outdated index, and the only annotations were citations in the margins that lacked the names of the cases as well as a description of the rulings. John Garland Pollard, a private Richmond attorney who was later to serve as Virginia's attorney general and governor, corrected these errors in a series of privately published editions. His 1894 Amendments to the Code of Virginia were printed on slips of paper intended to be pasted over the amended

sections. Four years later, Pollard published the Supplement to the Code of Virginia, which only printed amended sections and new laws, with new case annotations. In 1904, Pollard published the two-volume Code of Virginia as Amended to Adjournment of General Assembly, which was the first printed Virginia code to be updated regularly, by biennials and supplements. It was also the first to include full case annotations that included summaries of the decisions, which more than half of those of other states had already published.

The Code of 1919

After nearly 30 years without an official revision, the General Assembly passed an act of March 21, 1914, that empowered the governor to appoint a revision committee. The appointed revisors—a private attorney, the dean of the Washington & Lee University law school, and a retired judge—drafted a proposed code that contained laws enacted through 1916, which was passed by the General Assembly with few amendments in March 1918. The Code of 1919 went into effect on January 13, 1920.

The code contained 63 titles, with 6,571 consecutively numbered sections, and was published in an oversized, unannotated single volume and a two-volume annotated edition. Neither version of the Code of 1919 had any provision for supplementation, and so the Code of 1919 quickly became outdated, so that as soon as 1923, the director of the State Legislative Reference Bureau published General Laws of the Commonwealth of Virginia to incorporate amendments and assign section numbers to new statutes.

In 1924, the Michie Company published The Code of Virginia as Amended to Adjournment of General Assembly 1924, which was prepared by company founder and Supreme Court of Appeals reporter Thomas Johnson Michie. The Michie Code, as it became known, was supplemented after each session of the

General Assembly, and a new edition was published in 1930, 1936, and 1942, by which time the one-volume code had grown to more than 3000 pages, and preparers had an increasingly difficult time squeezing new laws into the 1919 section numbering.

The Code of 1950

In 1944, the General Assembly appointed the Virginia Advisory Legislative Council to update the Code of Virginia to emulate the multivolume, annotated codes that more than thirty other states had published by that time. The Council recommended a four-volume code, with provision for pocket part supplementation. The Commission on Code Recodification was created in 1946, and its proposed code was enacted by the General Assembly on April 6, 1948, with few amendments, and published in 1949 in ten volumes by the Michie Company. The Code of 1950 became effective on February 1, 1950.

In 1953, the Virginia Code Commission recommended that the General Assembly revise the law on a title-by-title basis (which was the method followed by the U.S. Congress when it revised the United States Code) rather than a complete revision, and the General Assembly in turn gave the Code Commission the responsibility for drafting recodification bills. More than 50 titles have been repealed and replaced by successor titles, and thirteen of those have been replaced a second time. With change thus occurring step-by-step, the Code of 1950 continues to remain in force.

Proposed Code of 2007

In 2005, the General Assembly authorized a complete revision of the Code, to become effective in 2007. Each section of the Code, like that of Georgia, would be designated by three numbers, separated by hyphens.

There was a considerable outcry from practising attorneys that they would have to relearn the designations of Code sections. In response, the General Assembly did not authorize any money in 2006 to pay for the recodification. This effectively put the recodification on hold, and it did not occur.

B. CASE INFORMATIONS (John C.Depp, II v. Amber Laura Heard)

a. Introduction to the Case

John C. Depp, II v. Amber Laura Heard was a highly publicized trial that took place in Fairfax County, Virginia from April 11 to June 1, 2022. The trial revolved around allegations of defamation between two American actors, Johnny Depp and Amber Heard, who were previously married. Johnny Depp filed a complaint of defamation against his ex-wife, Amber Heard, as the defendant, claiming \$50 million in damages. In response, Heard filed counterclaims against Depp, claiming \$100 million in damages. The trial received widespread media attention and was closely followed by fans of both actors. Depp and Heard first met in 2009 and got married in February 2015. In May 2016, at an early stage in their divorce proceedings, Heard claimed that Depp had abused her physically, which he denied. In a separate libel trial in England, in which Depp sued News Group Newspapers Ltd over an article published in The Sun, the presiding judge ruled against Depp, stating, "[T]he great majority of alleged assaults of Ms Heard by Mr Depp have been proved to the civil standard." Several legal experts suggested that Depp had a smaller chance of winning in the US trial compared to the UK trial.

In the Virginia trial, Depp's claims related to a December 2018 op-ed by Heard published in The Washington Post. Depp claimed Heard caused new damage to his reputation and career by stating that she had spoken up against "sexual violence" and that "two years ago, [she] became a public figure representing domestic abuse". Heard's counterclaims included allegations that Adam Waldman, Depp's former lawyer, had defamed her in statements published in the Daily Mail in 2020. Throughout the trial, Depp's legal team sought to disprove Heard's domestic abuse allegations and to demonstrate that she had been the instigator, rather than the victim, of intimate partner violence. Heard's lawyers defended the op-ed, claiming it to be factual and protected by the First Amendment.

b. Background of Events

1) The Early Life of Heard

Amber Laura Heard was born on April 22, 1986, to Internet researcher Patricia Page and building contractor David Clinton Heard. He was born in Austin, Texas, the second son of a daughter. Born in 1950. His family lived outside of Austin. Hurd's father trained horses in his spare time, and she grew up riding, hunting, and fishing with him. She also competed in beauty pageants, but she stated that now that she is an adult, she cannot support "objectification". Heard, who was raised as a Catholic, began identifying herself as an atheist at the age of 16 after her best friend died in a car accident. The following year, Hurd no longer felt at home in "conservative", God-fearing Texas. She had a hard time dropping out of a Catholic high school, and she pursued her acting career in Los Angeles. She eventually obtained her diploma through her home study course.

2) The Early Life of Depp

Depp was born on June 9, 1963, in Owensboro, Kentucky, with waitress Betty Sue Depp and civil engineer John Christopher Depp. Born was the youngest of four siblings. Depp's family moved frequently throughout his childhood, eventually settling in Miramar, Florida in 1970. His parents divorced in 1978 when Depp was 15 years old and his mother later married Robert Palmer, whom Depp called a "source of inspiration. Depp was gifted a guitar by his mother when he was 12 years old and began playing in various bands. He dropped out of Miramar High School in 1979 at age 16 to become a rock musician. Two weeks later, he attempted to return to school, but the principal encouraged him to pursue his dream of becoming a musician. In 1980, Depp began playing with a band called The Kids. After modest local success in Florida, the band moved to Los Angeles in search of a record deal and changed their name to Six Gun Method. In addition to the band, Depp also worked in various odd jobs such as telemarketing. In December 1983, Depp married makeup artist Laurie Ann Allison, the sister of the band's bassist and singer. The Kids disbanded in 1984 before signing a record deal, and Depp began working with a band called Rock City Angels. He co-wrote her song "Mary", which was included on Geffen Records' debut album Young Man's Blues. Depp and Alison divorced in 1985.

2.1) The Relation With Kate Moss

Kate Moss is a British Super Model who revolutionized the industry. Kate Moss wreaked havoc in the 90s by changing the beauty standards in society which is also referred to as "Kate Moss Mania". February 1994 was a scene of the first meeting of Kate Moss and Johnny Depp. George Wayne introduced Kate Moss to John Depp while Johnny Depp was at a dinner with his friends. The first

meeting was a love at first sight. Kate Moss and Johnny Depp started a highly tabloid relationship. According to the reports Kate Moss and Johnny Depp fought at The Mark Hotel in New York City on February 13 1994. Johnny Depp was arrested due to a report of the Hotel Service. The Hotel claimed that Kate Moss and Johnny Depp were spotted shouting at each other. Kate Moss was found uninjured. The charges against Depp were dismissed by the criminal judge on condition that he stay out of trouble for six months Depp paid The Mark \$9,767,12, including more than \$2,000 in damages and the remaining bill for the booking. After a while, Kate Moss fell from the stairs which led to a word-of-mouth rumour that Johnny Depp pushed Moss from the stairs. The couple split in 1997 and both sides blamed the other. 15 years later Moss revealed that she cried about her relationship with Johnny Depp frequently because he was the only one who took care of her.

2.2) Drug and Alcohol Addiction

Johnny Depp has a drug problem that is inceptive to his childhood. After the divorce of his parents, the mother of Johnny Depp started using drugs under the control of a doctor. While she was resting Johnny Depp brought her drugs to his mother. Due to time, Johnny Depp wanted to try the drug that his mother used to sleep every day. Although Depp was a minor who was not able to differentiate good and bad, it was the beginning of a fatally unhealthy addiction. Johnny Depp accused his family of his drug addiction. He said "My mom would request me to fetch her 'nerve pills,' and it wasn't until I was around 11 years old that I realized these pills were meant to calm her nerves. So, I would bring her the nerve pills, and it was at that point that I took one myself, marking the beginning of my involvement with drugs," at an interview. Throughout his life drug use takes a vital role which affects his career and marriage. Furthermore, Depp claimed that he used drugs and alcohol for "self-

medication” instead of partying. In addition to his drug addiction, Depp is also addicted to alcohol. Due to testimonies of his friends, Depp tends to drink alcohol under the effect of various drugs which leads to indistinguishability behaviours. Claims of his friends state that Depp would do indistinguishable acts which he could not remember. Depp never accepted the claims in addition to relating his drug and alcohol usage with self-medication.

3) Heard and Depp's First Meeting and Beginning of a Tabloid Relationship

The first meeting between Amber Heard and Johnny Depp dates back to 2009 at the set of a drama film called *The Rum Diary*. Depp would recall the first sight as the meeting with his future wife. Through the casting records, Depp saw Amber Heard. Depp told his manager to invite her to his office. They talked about various topics which include blues, films etc. Depp and Heard got in contact which led to their tabloid fame relationship. That moment, was, it was, it felt like something, it felt like something I should not be feeling," said Johnny Depp. "I think there was something in the film's kiss in the shower that was real. On October 25, 2011, Johnny Depp and Amber Heard made their red carpet debut. The pair stepped out on the red carpet arm-in-arm while promoting their film at the Museum of Modern Art in New York City. Through their relationship, the couple called themselves Slim and Steve referring to Humphrey Bogart and Lauren Bacall. *Humphrey Bogart and Lauren Bacall* is a romance film in 19 years 19-year-old girl and a 45-year-old man fell in love. The first violence claim occurred at the beginning of their relationship. Johnny Depp had a tattoo on his upper right arm “Forever Winona” refers to his former relationship. Following his split with Winona Depp change the tattoo to “Forever Wino”. Heard did not believe the story and laughed. Heard claimed that Depp could not control his anger after she laughed and Depp slapped her.

4) Boston Flight

In May 2014, the private jet Depp flew from Los Angeles to Boston. The private jet was capable of carrying Depp, Amber Heard's few friends and Depp's staff including his security team. The flight is been subject to the intimate scene between Amber Heard and James Franco.

4.1) The Intimate Scene of Amber Heard and James Franco

2014 was the year of Amber Heard. She was the main actress of The Adderall Diaries. Her Duo was James Franco. She expressed that Johnny has a disdain for The Disaster Artist actor. "He hated James Franco. He was accusing me of having a thing with him in the past since we had done Pineapple Express together,". Pineapple Express was one of the first films of Amber Heard which was filmed in 2007. Although Amber claimed that James Franco had a strictly platonic interest in her, Depp did not believe it was platonic. The Adderall Diaries has a scene in which James Franco and Amber Heard are extremely intimate. Johnny Depp claimed that the scene was more than a regular act and blamed her for cheating.

4.2) The Fight On Air

Following the take-off, Johnny Depp started to complain about the extremely intimate scene of Amber Heard with James Franco. Heard claimed that Depp was under the influence of drugs and alcohol. Although Amber Heard tried to make Depp calm, Johnny Depp continued to show his anger. Heard claimed that Johnny Depp started his unconscious and uncontrollably moaning. Anyone but Amber Heard tried to make him calm. Amber Heard claimed that

Johnny Depp started to act in violence and kicked her. Although Amber Heard was not injured seriously, she did not take a health report indicating the harm. Furthermore, Amber Heard claimed that everyone on the plane saw and heard violence but no one tried to stop him. Despite the health report, Amber Heard claimed that she had voice records of moaning and curses. Johnny Depp claimed that he did not show violence to her in spite of moaning. The escalating tension during the flight raised concerns among the passengers, but no action was taken by them. The incident's effect came to an end after a month followed by the marriage of Johnny Depp and Amber Heard.

5) Marriage

In February 2015, Johnny Depp and Amber Heard got married. According to The People Magazine, the couple had two weddings. The first wedding was the official one held in Los Angeles in a private ceremony which few people attended. The second wedding was held on Johnny Depp's private island in the Bahamas. The guest list was kept very small, with only a few dozen of their closest family and friends looking on as they swapped vows under a white marquee decorated with flowers on the idyllic beach of Little Hall's Pond Cay. The couple seemed happy while enjoying the sunset with close family members and friends. Few resources claimed that the marriage was done under prenup.

6) The Hit of Heard to Depp in Australia

The commencement of a honeymoon vacation for Johnny Depp and Amber Heard was impeded by the professional commitments of the former, specifically his engagement in the production of his latest cinematic endeavor, "*Pirates of the Caribbean: Dead Men Tell No Tales*." In the aftermath of their

matrimonial union, Johnny Depp promptly embarked on a journey to Australia in March 2015, thereby precluding the immediate realization of a post-wedding honeymoon for the couple. Although Depp and Heard were not able to go on a honeymoon vacation, Heard wanted to visit him during the filming process.

6.1) Prenup Issue

The prenup is an agreement made by a couple before they marry concerning the ownership of their respective assets should the marriage fail. Prenup ensures the couples secure their commodities by obstructing the sharing of property in case of divorcing, death etc. Besides the common belief prenup is a valid arrangement in terms of properties. Behavioural errors may not be stated in the prenup to be a valid reason for divorcing. In the year 2022, a survey conducted by the market research firm Harris Poll, encompassing a sample size of over 1,000 individuals, revealed that 15% of participants who were either married or engaged had executed a premarital or prenuptial agreement. The prenup is frequently preferred by the middle to upper economic class. The prenup conflict between Depp and Heard dates back to their first steps to the marriage. Although Johnny Depp was in favour of a prenup to secure his commodities, Amber Heard was opposed to a prenup due to concerns about prioritizing properties over the relationship. The conflict lasted for a while. The conflict came to a solution by Amber Heard embondining the prenup opposition. The couple signed a valid prenup before they married. Despite ending the opposition, Amber Heard continued complaining about prenup although she signed it already.

6.2) The Fight at House in Australia

Film producers commonly organize accommodations for cast and crew during international filming endeavours to preemptively address various challenges. In the course of filming, "Pirates of the Caribbean: Dead Men Tell No Tales," Johnny Depp's manager took the initiative to address accommodation concerns by securing housing facilitated by the film's producer. The provided residence featured three distinct levels, including a basement, an entrance level, and an upper floor.

It is noteworthy that Johnny Depp's struggle with alcohol addiction persisted throughout the filming period. Within the designated residence, a bar was available, stocked with an extensive array of alcoholic beverages. Depp frequently resorted to the consumption of alcohol at the bar as a form of self-medication, particularly following extended hours on set.

During Amber Heard's visit, she started to complain about her concerns about honeymoon and prenup in an aggressive way. The couple started an argument in front of the bar. Johnny Depp wanted to end it and tried to make his way to the upper floor. However, Amber Heard expressed her displeasure by hurling a liquor bottle at Depp. Heard showed her anger by throwing a liquor bottle at Depp. Medical Reports indicated that the finger of Johnny Depp was injured due to a glass cut. Amber Heard denied the accusation.

7) LA Penthouse

As Johnny Depp's popularity surged, a commensurate increase in responsibility emerged to safeguard his financial assets. In response to this,

Depp proactively invested in multiple real estate properties as a means of securing and preserving his wealth.

7.1) Human Feces

In April 2016, Amber Heard orchestrated a celebratory gathering at the penthouse jointly occupied with Johnny Depp to commemorate her 30th birthday. However, the event was marked by a discordant incident, as Depp asserted that he and Heard engaged in a dispute during the festivities. Subsequently expressing a desire to terminate their marital union, Depp undertook a visit to their cohabitated residence to retrieve personal belongings while Heard was attending the Coachella festival. It was during this visit that Depp reportedly encountered human faecal matter on their shared bed. The actor attributed responsibility for the presence of such material to Amber Heard, thereby exacerbating the acrimony surrounding their tumultuous relationship.

8) Divorce Case

Following her birthday Amber Heard filed a divorce case to Johnny Depp. After being together for 15 months, the public was made aware of the turbulent dynamic marked by abuse between Johnny Depp and Amber Heard. According to a statement from Heard published by PEOPLE, she revealed, "Johnny's well-known struggles with substance abuse have extended into both his public and private life." She went on to describe his volatile tendencies, citing his explosive temper as particularly concerning. Not only did she express emotional distress caused by his temper, but she also stated that his actions put her physical safety at risk numerous times. This revelation came to light during a tumultuous period in their relationship. According to her legal

statement, Amber Heard asserts that Johnny Depp committed acts of violence against her after their 30th birthday bash and consistently exhibited abusive behaviour during their time together, which was further complicated by his use of substances. As detailed in recently obtained court records, Heard recalls an incident on April 21, during a celebration at their Los Angeles home, where Depp reportedly showed up heavily under the influence. After the guests left, the couple engaged in a heated discussion about Depp's previous absence. The conversation quickly turned into a heated argument, with Depp allegedly grabbing Heard by the hair and forcefully pushing her to the ground. Heard also accuses Depp of causing property damage in a rage before leaving the premises and remaining missing for an entire month. This tumultuous incident led Heard to file for divorce and obtain a temporary restraining order against Depp, supported by powerful photographic evidence of her bruised face from a later incident of domestic abuse on May 21. Although LAPD did not discover any signs of criminal activity during their inquiry that evening, Depp's lawyer disputed the claims and suggested that Heard was rushing the divorce proceedings by making accusations of abuse in order to obtain a hasty financial settlement. Despite the ongoing legal proceedings, Depp has not yet publicly addressed the allegations of abuse. The legal battle between the couple came to a conclusion Depp paid 7 million in compensation to Amber Heard. The couple legally divorced.

9) The Donation of Compensation

After finalizing their divorce agreement in 2016, the legal battle between Johnny Depp and Amber Heard came to a close. Heard, in a bold and commendable move, publicized her plan to donate the entire \$7 million settlement to charitable causes. With great conviction, she announced her decision to split the funds evenly between two noteworthy organizations: the

American Civil Liberties Union (ACLU) and Children's Hospital Los Angeles (CHLA). This selfless act not only showcases Heard's unwavering support for civil liberties, as evidenced by her involvement with the ACLU but also demonstrates her dedication to improving pediatric healthcare through her contribution to CHLA.

10) Me Too Movement

In 2017, the #MeToo movement began as a simple online hashtag, but it has rapidly grown into a powerful global force focused on revealing and addressing sexual harassment and assault. Primarily fueled by revelations of misconduct by prominent figures in the entertainment industry, this movement has provided a space for people, particularly women, to speak out about their own experiences of abuse, fostering a shared sense of unity. Beyond its digital roots, #MeToo has sparked real-world consequences, compelling industries, workplaces, and institutions to confront and correct pervasive problems of gender-based misconduct. The movement has sparked a widespread conversation about sexual harassment, shedding light on its pervasive nature. It has also prompted discussions about power dynamics, consent, and the urgent need for cultural change in creating safe and supportive environments for everyone.

11) The Article That is The Subject of The Case

Amber Heard, a celebrated actress and outspoken advocate for women's rights, bravely shares her personal experience with abuse and the daunting obstacles she faced when speaking out against it. Through her narrative, she sheds light on the entrenched power imbalances in our society that disproportionately benefit men, making it even more difficult for women to

seek justice for acts of harassment and assault. Heard offers candid introspection on her journey as a public figure fighting for domestic abuse victims, revealing the challenges she encountered, such as threats and setbacks to her career.

In this powerful piece, Heard's personal experiences are situated within the larger context of the #MeToo movement, demonstrating its crucial role in exposing systemic abuses of power across various institutions. The author argues that our society is undergoing a much-needed shift, with a heightened awareness of sexual misconduct that is evident in both the #MeToo movement and the growing number of women in Congress. Taking a proactive stance, Heard calls for measures to strengthen institutions that protect women's rights and specifically endorse the reauthorization and strengthening of the Violence Against Women Act. She also emphasizes the urgency of addressing sexual assault on college campuses, highlighting the pressing need for action in this area.

Heard powerfully reflects on her own struggles to combat threats and violations of her privacy, shedding light on the pressing need for enhanced support systems for brave women who bravely share their stories of abuse. She passionately advocates for unified efforts to push for changes in laws, rules, and cultural norms, all to remedy deep-rooted gender inequalities that have impacted women's experiences.

12) The Case

In 2019, Johnny Depp sued Amber Heard for defamation arising out of this 2018 article on behalf of the following statements, which Depp claimed were false and defamatory:

1 - “I spoke up against sexual violence — and faced our culture’s wrath. That has to change.”

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.”

3 - “I had the rare vantage point of seeing, in real-time, how institutions protect men accused of abuse.”

C. APPLICABLE LAW

The applicable law in a civil court case in Virginia, United States, is primarily governed by the statutes and regulations of the Commonwealth of Virginia. Each state in the U.S. has its own set of laws and regulations that apply to civil matters as mentioned above. In John C. Depp, II v. Amber Laura Heard defamation case shall be governed by the Code of Virginia.

CODE OF VIRGINIA

Title 1. General Provisions

Chapter 1. Code of Virginia

§ 1-1. Contents and Designation of Code.

The laws embraced in this and the following titles, chapters, articles and sections of this act shall constitute, and be designated and cited as the "Code of Virginia," hereinafter referred to as "The Code" or "This Code."

Chapter 2.1 Common Law and Rules of Construction

Article 1. Common Law and Acts of Parliament

§ 1-200. The common law.

The common law of England, insofar as it is not repugnant to the principles of the Bill of Rights and Constitution of this Commonwealth, shall continue in full force within the same, and be the rule of decision, except as altered by the General Assembly.

Article 2. Rules of Construction and Definitions

§ 1-202. General rule of construction.

The rules and definitions set forth in this chapter shall be used in the construction of this Code and the acts of the General Assembly, unless the construction would be inconsistent with the manifest intention of the General Assembly.

The provisions on defamation in Virginia law will be applied in rendering judgments for the present case filed on the grounds of defamation;

Title 8.01. Civil Remedies and Procedure

Chapter 3. Actions

Article 4. Defamation.

§ 8.01-45. Action for insulting words.

All words shall be actionable which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace.

§ 8.01-46. Justification and mitigation of damages.

In any action for defamation, the defendant may justify by alleging and proving that the words spoken or written were true, and, after notice in writing of his intention to do so, given to the plaintiff at the time of, or for, pleading to such action, may give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so in case the action shall have been commenced before there was an opportunity of making or offering such apology.

§ 8.01-48. Mitigation in actions against newspapers, etc.

In any civil action against the publisher, owner, editor, reporter or employee of any newspaper, magazine or periodical under § 8.01-45, or for libel or

defamation, because of any article, statement or other matter contained in any such newspaper, magazine or periodical, the defendant, whether punitive damages be sought or not, may introduce in evidence in mitigation of general and punitive damages, or either, but not of actual pecuniary damages, all the circumstances of the publication, including the source of the information, its character as affording reasonable ground of reliance, any prior publication elsewhere of similar purport, the lack of negligence or malice on the part of the defendant, the good faith of the defendant in such publication, or that apology or retraction, if any, was made with reasonable promptness and fairness; provided that the defendant may introduce in evidence only such circumstances and to the extent set forth in his or its grounds of defense.

§ 8.01-49. Defamatory statements in radio and television broadcasts.

The owner, licensee or operator of a radio and television broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of any such broadcast, by one other than such owner, licensee or operator, or agent or employee thereof, unless it shall be alleged and proved by the complaining party, that such owner, licensee, operator, such agent or employee, failed to exercise due care to prevent the publication or utterance of such statement in such broadcast; provided, however, that in no event shall any owner, licensee or operator, or the agents or employees of any such owner, licensee or operator of such a station or network of stations be held liable for damages for any defamatory statement broadcast over the facilities of such station or network by or on behalf of any candidate for public office.

§ 8.01-49.1. Liability for defamatory material on the Internet.

A. No provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider. No provider or user of an interactive computer service shall be liable for (i) any action voluntarily taken by it in good faith to restrict access to, or availability of, material that the provider or user considers to be obscene, lewd, lascivious, excessively violent, harassing, or intended to incite hatred on the basis of race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin, whether or not such material is constitutionally protected, or (ii) any action taken to enable, or make available to information content providers or others, the technical means to restrict access to information provided by another information content provider.

B. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

"Internet" means the international computer network of interoperable packet-switched data networks.

The defamation case filed in this lawsuit, as mentioned in the 'Background of the Case' section above, pertains to Amber Heard's article accusing Johnny Depp of domestic violence and portraying herself as the victim. Therefore, to assess whether this case stems from domestic violence, it is necessary to examine the provisions related to domestic violence. This provision is outlined below;

Title 18.2. Crimes and Offenses Generally

Chapter 4. Crimes Against the Person

Article 4. Assaults and Bodily

§ 18.2-57.2. Assault and battery against a family or household member; penalty.

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which

occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

C. Whenever a warrant for a violation of this section is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an emergency protective order shall not be required.

D. The definition of "family or household member" in § 16.1-228 applies to this section.

MERITS OF THE CASE

- Do Heard's allegations in her article, which have led to her being publicly perceived as a domestic abuser, have a negative impact on Depp's reputation and career?
- Has Depp made any effort to correct this perception while Heard's allegations have led to her being publicly perceived as a domestic abuser?
- Are the statements made by Amber Heard in the article subject to defamation provisions in terms of applicable law, or can they be solely assessed within the scope of freedom of expression?

FURTHER READINGS

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