

# What *Landry's* Means for Press Statements

Ethical Considerations and a Defamation Primer

1

## May 2022 Headlines

The screenshot shows the CNN Entertainment website interface. At the top, there is a navigation bar with the CNN logo and the word "entertainment" in red, followed by links for "Stars", "Screen", "Binge", "Culture", and "More". Below the navigation bar is a large video player area featuring two main video thumbnails: one of Johnny Depp and one of Amber Heard. Below these are five smaller video thumbnails with their respective durations and titles:

- 03:00: Watch how the Johnny Depp and Amber Heard trial unfolded
- 02:08: Jan. 6 committee releases video of Capitol tour before insurrection
- 02:56: Toobin: SCOTUS says this is history, we're dealing in the present
- 01:38: 'Are you out of your effing mind?': Hear what Trump White House attorney told John Eastman
- 01:59: He predicts inflation w/c Hear what about a rec

**(CNN)** — A jury has found both [Amber Heard](#) and [Johnny Depp](#) liable for defamation in their lawsuits against each other. The jury awarded significantly more damages to Depp, a legal win for the actor.

Depp sued Heard, his ex-wife, for defamation over a 2018 op-ed she wrote for The Washington Post in which she described herself as a "public figure representing domestic abuse." Though Depp was not named in the article, he claims it cost him lucrative acting roles. Heard countersued her ex-husband for defamation over statements Depp's attorney made about her abuse claims.

2

## May 2022 Headlines

FREE SPEECH

### Casino Mogul Steve Wynn and Lawyer Lisa Bloom Settle #TheyLied Libel Claim, Bloom Will Reportedly Retract

EUGENE VOLOKH | 5.23.2022 4:58 PM

From [Bloomberg Law](#) (see also [Casino.org](#) (Devin O'Connor)):

Former Wynn Resorts Ltd. CEO Steve Wynn agreed to dismiss his lawsuit accusing attorney Lisa Bloom and her law firm of defaming him in a press release that said Wynn ordered female show performers to present themselves in a more sexually appealing way ....

"Per the terms of the settlement, Ms. Bloom will be issuing a public statement within 5 days of the dismissal of the action, which will acknowledge a retraction of the defamatory statement," Todd L. Bice of Pisanelli Bice PLLC, who represents Wynn, told Bloomberg Law on Friday. "The financial terms of the payment to Mr. Wynn are confidential."

3

## Ethical Rules and Opinions

### Texas Disciplinary Rule of Professional Conduct 3.07(a)

In the course of representing a client, a lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicatory proceeding. A lawyer shall not counsel or assist another person to make such a statement.

4

## *Ethical Rules and Opinions*

### Ethics Opinion # 683:

*Does a lawyer violate the Texas Disciplinary Rules of Professional Conduct by making statements to the news media about a case pending on appeal when the lawyer criticizes the opponent's litigation tactics and reiterates the misconduct alleged in the underlying complaint?*

5

## *Ethical Rules and Opinions*

### **ABA Model Rule of Professional Conduct 1.6(a)**

#### Formal Opinion # 480

*Lawyers who blog or engage in other public commentary may not reveal information relating to a representation, including information contained in a public record, unless authorized by a provision of the Model Rules.*

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: What Landry's Means for Press Statements

Also available as part of the eCourse

[2022 eConference on State and Federal Appeals](#)

First appeared as part of the conference materials for the  
32<sup>nd</sup> Annual Conference on State and Federal Appeals session  
"What *Landry's* Means for Press Statements "