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Defamation

A defamatory statement concerning or regarding a plaintiff to other persons makes defamation. The statement should be false, and defendant's fault also be proved.

Since Dan (D) told Jack (J) and Paul's (P) class that "I hope no other student has copied his footnotes from another student's paper like that two-bit actor Paul.", it is a defamatory statement concerning P because D publicly humiliated P.

D later discovered that he had inadvertently shown J his own paper and not P's paper and that P had not copied J's or any other person's material. Therefore, It was false accusation.

In addition, D's action can be at least negligence since he was not careful that showed J's own paper to J, and thus made J falsely believe P's made a pluralism. Therefore D's fault exist.

Damage - Slander

If a defamatory statement is made orally, plaintiff have to prove his actual damage unless the statement is about a serious felony charges or a serious social status issues. In this case, the statement is about a copying other's work. Considering P's career as an actor and future lawyer, it is a serious blame and could affect his future career. Because of the statement, P suffered a severe panic attack, but did not seek medical treatment. And he could have been prevented becoming a lawyer because of moral character record. Therefore, There's a serious damage already established.

D might argue that there's no proof of actual damage. Even if P can not show actual damage, which is unlikely as shown above, P can still go to a doctor and seek to be given an expert opinion from the doctor about the actual damage.

Public figure or public interest - D's possible defense

If a plaintiff is a public figure, a plaintiff must prove that defendant acted with malice. In P's case, he had small roles in two recent Hollywood blockbusters and therefore, D may assert that P is a public figure and D did not act with malice.

However, as the case correctly stated, P's role was just some small and thus, not enough to make him a public figure.

Even if he is a public figure, D is a Legal Research and Writing professor and D knew about P's anxiety and doubts regarding the research paper D himself had assigned. D's blame that P 'copied his footnotes from another student's paper like that two-bit actor Paul' without proper ground can make D's action malice and reckless disregard. Therefore, public figure assertion might not prevail.

D can also argue that even if P is not a public figure, the question is a public interest. However, copying another person's paper might not be a wide public interest since it is only a matter of class. Therefore, public interest assertion might not prevail.

Private person with no public interest

If a plaintiff is a private person and there's no public interest issues involved, it is enough for the plaintiff that defendant was negligent making the defamatory statement.

As discussed above, D's action was at least negligent if not malice, and therefore, enough to establish a negligence of D.

All in all, P's defamation damage will be recognized if he can go to a doctor and have actual proof of his physical or physiological damage.

Negligence infliction of emotional distress (NIED)

If a defendant acted extremely and outrageously, the action was negligent and because of his

action a plaintiff suffered serious emotional distress, NIED is established. However, the damage should be physical.

Although P suffered a severe panic attack, it is not yet physical and P did not seek medical treatment yet, P can not seek a damage from D, yet. However, if the symptom developed into a physical injury, He might recover his physical injury.

In this case, there's no fact indicates D's intentional defamatory statement, and therefore, there's no Intentional infliction of emotional distress.

Put to a false light

If a defendant made a statement regarding plaintiffs character falsely and negligently so that people can disregard him under a false light, plaintiff recover damages from the false light. Still, the plaintiff should prove that the statement is false, the defendant was fault, and also prove the actual damage.

Negligence

If there's a duty of defendant, breach, causation and actual damage, there's a prima facie case for negligence.

As a law professor, he has duty of care that reasonably prudent person would act in similar circumstances to his students. He should have known better than a lay person about defamatory statement.

Therefore, he breached his duty to P by making a defamatory statement. And there might be no panic attack and severe mental damage of P without D's statement. the damage was also reasonably foreseeable since D made the statement to all the class and he even advised P to go see the school counselor because P appeared unusually anxious.

Therefore, D was negligent and responsible for P's damage.

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