



Minimizing the Rising Risk of Biopic Defamation Suits

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Highlighting the potential peril of defamation claims in connection with documentary-style productions and docudramas, the article explains that there has been a recent "explosion in defamation lawsuits" arising from the depiction of real people in such creative works. "The mere fact that these lawsuits were filed illustrates just how critical it is for producers of entertainment works that are based completely or in part on real people and true events – and their counsel – to take precautions to minimize the risk that their creative works will become the subject of such litigation," according to the article.

A case roundup in the article offers an overview of numerous suits in federal and state courts over the past few years, as well as claims that have been asserted but not yet litigated. The article further examines the general defamation standard recognized by most states and surveys the core elements for defamation claims in the context of documentaries and docudramas. Reviewing measures for minimizing the risk of litigation, the article discusses several steps that creators can take and several key questions that producers and their counsel should strive to address.

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