

Publications

What PR Pros Should Know About the Supreme Court's Facebook Case

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PR News

Whitney Gibson, a partner in the Vorys Cincinnati office and the leader of the firm's internet defamation group, and Mary Henkel, of counsel in the Cincinnati office and a member of the litigation group, authored an article for PR Daily called "What PR Pros Should Know About the Supreme Court's Facebook Case." The article provided PR Daily readers with an overview of *Elonis v. United States*, a case concerning violent statements posted to Facebook by an aspiring rap artist. According to the authors, the case could have significant implications for how lower courts handle threatening social media posts.

The article states:

"At issue is what constitutes a 'true threat,' sufficient to support a criminal conviction. Is it if a 'reasonable person' would feel threatened, or if Elonis's actual intent was to do harm?"

In previous cases, lower courts have split on whether the prosecution needs to prove that it was the accused person's intent to threaten, or whether it is enough to prove that a 'reasonable person' would feel threatened.

The U.S. Supreme Court has addressed threatening language before, and this First Amendment case deals with long-debated issues. The new wrinkle is that this case arises in the context of social media. Accordingly, the outcome of the case may have ramifications for what users—including employees from your organization—may post on Facebook, Twitter, Instagram and other social media platforms without inviting possible prosecution."

To read the entire article, visit the PR Daily [website](#).