

Antonin Scalia Law School at George Mason University

**FREE SPEECH CLINIC (Law 136)
Fall 2024 Course Syllabus (dated 8.5.24)**

Tuesdays from 6:05– 8:05 p.m.

2 credits*

* Note this is a year-long course, with two credits earned each semester. This syllabus is for fall semester only.

Professors: Mike Connolly: jconnol5@gmu.edu
Office Hours: By appointment; Zoom appointments available

JoAnn Koob: jkoob@gmu.edu
Office Hours: Tuesdays 4:00 – 5:30 p.m. Room 433K, and by appointment; Zoom appointments available

Overview: The Free Speech Clinic provides students with legal practice experience through pro bono representation in actual free speech cases. Clinic students work closely with experienced attorneys to identify cases of interest, research legal issues, and draft memos, motions, briefs, and other documents. In addition, clinic students receive weekly classroom instruction on procedural and substantive issues relevant to their cases, federal and state court decisions, and recent developments in First Amendment law. Guest lecturers with a wide array of backgrounds will often attend the weekly meetings.

Readings: There is no casebook required for this course. We will provide case citations and/or post the weekly readings on Canvas. Reading assignments are subject to change, as they are based on our guest speaker schedule and requests.

In addition, from time to time we may post optional supplemental readings on Canvas that we think may be of particular interest based on our casework and other relevant topics.

Attendance: The course follows the Law School’s attendance policy. If a student is absent for any reason more than 20% of the course, then the student is not eligible for credit. A student who misses more than 25% of a class session will be counted as absent from that class session.

Assessment and Grades: Grades for fall semester will be based on a combination of case work, class participation, and a short paper, as shown below. You will be required to submit a short memo summarizing the casework you did and your role therein at the end of the semester. Guidelines for the paper will be provided as the semester progresses.

- Casework: 50%
- Paper: 25%
- Class Participation: 25%

Learning Outcomes:

- Students will understand basic principles of the speech, press, and assembly clauses of the First Amendment, as well as freedom of association.
- Students will develop litigation-focused research and writing skills.

- Students will understand the process and strategy of litigating freedom of speech claims.
- Students will exercise the professional skills expected of members of the legal profession.

Schedule: The course topics and reading list below will be updated during the semester as guest speakers are confirmed/request changes. We will keep you apprised of updates to the schedule and reading assignments.

**All readings denoted with an asterisk * are available on Canvas*

August 27, 2024

Topic: Class and Clinic Work Overview / Writing Legal Briefs / Case Projects

Reading:

- Free Speech Clinic Guide to Legal Writing*
- How to Read a Docket*

Speaker: Professor Connolly

September 3, 2024

Topic: Overview of First Amendment Law

Reading:

- *Abrams v. United States*, 250 U.S. 616 (1919)*
- *Brandenburg v. Ohio*, 395 U.S. 444 (1969)*
- *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942)*

Speaker: Professor Koob

September 10, 2024

Topic: Free Speech on College Campuses and Time, Place, and Manner Restrictions

Reading:

- *Ward v. Rock Against Racism*, 491 U.S. 781 (1989)* Read Kennedy's Opinion of the Court only
- *Bowman v. White*, 444 F.3d 967 (2006)*

Speaker: **Will Creeley.** Will Creeley is the Legal Director at the Foundation for Individual Rights and Expression (FIRE). Since joining FIRE in 2006, Will has successfully defended expressive rights and core civil liberties nationwide. As Legal Director, Will coordinates FIRE's legal advocacy and oversees FIRE's Litigation, Legislative and Policy, Policy Reform, and Targeted Advocacy departments. He has appeared on national television and radio on FIRE's behalf, and has spoken to thousands of students, faculty, administrators, and attorneys about First Amendment rights at events across the country. A co-author of *First Things First: A Modern Coursebook on Free Speech Fundamentals*, Will's writing has been published by The New York Times, the Wall Street Journal, The Washington Post, the Chronicle of Higher Education, and many other outlets. Will edited the second edition of FIRE's Guide to Due Process and Campus Justice, co-edited the second edition of FIRE's Guide to Free Speech on Campus, and has

authored amicus curiae briefs submitted to courts nationwide, including the Supreme Court of the United States and multiple United States Courts of Appeals. A proud native of Buffalo, New York, Will now lives in New Jersey with his wife and two children.

September 17, 2024

Topic: Time, Place, and Manner Regulations – with a Focus on Charlottesville

Reading:

- *Kessler*: Brief of Defendant re: Preliminary Injunction*
- *Kessler v. City of Charlottesville, VA*, 2017 U.S. Dist. LEXIS 128330 (Aug 11, 2017)*
- [Short summary of the Unite the Right Rally in Charlottesville](#)

Speaker: **Craig Brown.** Craig is the City Attorney for the City of Manassas and the former City Attorney for the City of Charlottesville, Virginia, a position in which he served during the Unite the Right riots of the Summer of 2017. Craig has more than 38 years of experience as a municipal attorney.

September 24, 2024

Topic: *Janus and Compelled Speech*

Reading: *Janus v. AFSCME*, 585 U.S. ---- (2018)*

Speaker: **William Messenger.** Bill is the National Right to Work Foundation’s Vice President and Legal Director. He was a staff attorney for over twenty years and, during that time, represented individuals in numerous cases that sought to expand worker freedom of choice. This includes acting as lead counsel in three cases before the United States Supreme Court. In 2018, Messenger argued *Janus v. AFSCME Council 31*, where the Supreme Court held it violates the First Amendment for governments and unions to compel individuals to financially support unions and their speech. Originally from Youngstown Ohio, Messenger attended Ohio University as an undergraduate and then the George Washington University School of Law.

October 1, 2024

Topic: Does Freedom of Speech Promote Racial Tolerance across Countries?

Reading: TBD

Speaker: **Claudia Williamson Kramer.** Professor Williamson is the Probasco Distinguished Chair of Free Enterprise and Professor of Economics at the University of Tennessee at Chattanooga. She is also the Director of the Center for Economic Education. Her main research interests lie at the intersection of applied economic development and political economy. A common thread of her work is the combination of incentive and knowledge arguments revealing interesting, and at times, unconventional results. Professor Williamson has authored over 50 articles in refereed journals, including the *Journal of Law and Economics*, *World Development*, *Journal of Comparative Economics*, *Public Choice*, *Journal of Corporate Finance*, *Journal of Institutional Economics*, *European Journal of Political Economy*, *Defense and Peace Economics*, and the *Southern Economic Journal*. She has co-edited two books, contributed multiple chapters to edited books,

written book reviews, and policy briefs. Her research has also appeared in popular press outlets, such as The Economist and the BBC. Professor Williamson is a native of West Virginia. She earned her B.B.A. in economics from Marshall University, summa cum laude and with University Honors, in 2004. She completed her Ph.D. in economics at West Virginia University in May 2008.

October 8, 2024

Topic: Free Speech and Technology

Reading:

- *Reno v. ACLU*, 521 U.S. 844 (1997)*
- [Ban Online Porn for Kids](#) by David French*

Speaker:

Bob Corn-Revere. Bob joined FIRE from the law firm of Davis Wright Tremaine where he was a partner for 20 years specializing in freedom of expression and communications law. Before his time at DWT, he was a partner at Hogan & Hartson and served as legal advisor and later chief counsel to Federal Communications Commission Chairman James H. Quello. Bob is a prominent writer, thinker, and advocate on free expression issues. In 2021, Cambridge University Press published his book, “The Mind of the Censor and the Eye of the Beholder: The First Amendment and the Censor’s Dilemma,” which explores how free expression became a part of America’s identity. He also co-authored the three-volume treatise, “Modern Communication Law,” published by West Group. In 2003, he successfully petitioned Governor George E. Pataki to grant the first posthumous pardon in New York history to the late comedian Lenny Bruce, who was convicted for “obscene” comedy routines. He is regularly listed as a leading First Amendment and media law practitioner by The Best Lawyers in America, SuperLawyers Washington, D.C., and by Chambers USA. Best Lawyers in America named him as Washington, D.C.’s 2017 “Lawyer of the Year” in the areas of First Amendment Law and Litigation – First Amendment. He was again named as Best Lawyers’ “Lawyer of the Year” for First Amendment Law for 2019 and 2021, and in Media Law for 2022.

October 15, 2024

TBD

October 22, 2024

Topic: TBD

Assignment: TBD

Speaker:

Ethan Blevins. Ethan is a legal fellow at the Pacific Legal Foundation, working primarily on equality and opportunity issues and property rights on PLF’s Constitutional Scholarship team. He previously worked as a staff attorney with PLF, mostly suing his favorite defendant, the City of Seattle. In addition to his legal work, Ethan has spoken and written on a variety of legal and policy issues. He has appeared on numerous radio and television programs, and his writings have appeared in The Wall Street Journal, The Seattle Times, The Salt Lake Tribune, The Hill, and other major publications. Ethan

earned his law degree cum laude from Duke School of Law, as well as a master's degree in international and comparative law. He writes poetry and fiction and has completed two fantasy novels, with several other books always in the works. He also enjoys mnemonics, comic books, gaming, and playing the ukulele. He lives in Bountiful, Utah, with his wife and four kids.

October 29, 2024

TBD

November 5, 2024

****NO CLASS – ELECTION DAY****

November 12, 2024

TBD

****November 15, 2024 ****

IMPORTANT: Rather than meet on Friday, November 22nd, your “assignment” will be to attend one or more of the **Voices for Liberty Symposium sessions on Friday, November 15th** (or, if you are unable to attend, a recording will be available for you to watch to receive credit for attendance).

Topic: [Voices for Liberty: Free Speech, Civil Rights, and Social Progress](#)

Reading: None

Speaker: There will be a number of guest speakers/panel discussion for you to choose between (though you are encouraged to attend as much of the Symposium as your schedule permits).

Other: Please register in advance (link to be provided when available)

November 19, 2024

Topic: **Free Speech Rationales**

Reading: *The Checking Value in First Amendment Theory*, Blasi, pp. 523-525; 527-528, and 538-565 (first full paragraph on 538 through first full paragraph on 565)*

Speaker: **Professor Koob**

****November 22, 2024 ****

NO CLASS – See note about Friday, November 15th