

Antonin Scalia Law School at George Mason University

FREE SPEECH CLINIC (Law 136)
Fall 2024 Course Syllabus (dated 8.1.2025)
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: to be announced; 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 19, 2025

Topic: Overview of Free Speech Law

Reading:

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

Speaker: Professor Koob

August 26, 2025

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 2, 2025

Tentative:

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

Reading:

Speaker: Will Creeley

September 9, 2025

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

Reading: *Spewing Hate or Speaking Tolerance: How Free Speech Affects Social Norms and Minority Rights* by Professor Williamson. The current version is [available at this link](#); however, Professor Kramer will be sending a revised version in advance of 9/9.

Speaker: **Claudia Williamson Kramer.** Professor Kramer 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 Kramer 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 Kramer 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.

September 16, 2025

Tentative:
Topic: *Time, Place, and Manner Regulations – with a Focus on Charlottesville*
Reading:
Speaker: *Craig Brown*

September 23, 2025

Tentative:
Topic: *Janus and Compelled Speech*
Reading:
Speaker: *William Messenger*

September 30, 2025

Tentative:
Topic: *Overbreadth and Vagueness*
Assignment: *Shorted versions of each of the readings are available on Canvas*

- *Grayned v. Rockford*, 408 US 104 (1972)*
- *Coates v. Cincinnati*, 402 U.S. 611 (1971)*
- *Gooding v. Wilson*, 405 U.S. 518 (1972)*
- *New York v. Ferber*, 458 U.S. 747 (1982)*

Speaker: *Professor Koob*

October 7, 2025

Topic: *TBD*
Reading:
Speaker:

October 14, 2025

Topic: Campaign Finance and Free Speech
Reading: None
Speaker: **Margaret Howell.** Margaret Howell is Assistant General Counsel with the Stand Together community, where she primarily advises Americans for Prosperity and its fundraising capability on campaign finance and nonprofit tax law. She previously served as an Enforcement Attorney in the Office of the General Counsel at the Federal Election Commission. She holds a JD from the George Washington University Law School and a BA from Southwestern University.

October 21, 2025

Topic: The Right to Receive Information
Reading: None
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 28, 2025

Topic: Government Censorship of "Indecent" Speech
Reading:

- Free Speech Coalition, Inc. v. Paxton, 145 S.Ct. 2291 (2025)*
- Amicus Brief by the Foundation for Individual Rights and Expression (FIRE) in *NetChoice v. Fitch**

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.

November 4, 2025

****NO CLASS – ELECTION DAY****

November 11, 2025

Topic: Funeral Protests, Free Speech, and Intentional Infliction of Emotional Distress
Reading: TBD
▪ *Snyder v. Phelps*, 562 U.S. 443 (2011)
Speaker: **Josh Wheeler.** Josh Wheeler is an attorney with Cobb Law Group in Georgia. Josh has over 30 years of experience in the law and higher education. Upon graduating from the University of Virginia School of Law, Josh worked as an associate in the litigation department of Parker, Milliken, Clark, O'Hara and Samuelian in Los Angeles, California. After several years, Josh returned to Virginia where he continued to represent clients in both civil and criminal matters. At the same time, Josh began an over 20-year association with The Thomas Jefferson Center for the Protection of Free Expression where he wrote or co-wrote over 200 legal briefs and memorandums filed in state and federal courts across the country, including the United States Supreme Court, in cases involving the First Amendment right of free speech. Eventually becoming the Center's Director, Josh's responsibilities included many outside the courtroom designed to foster greater public appreciation for the critical role that free speech plays in American society. Among these responsibilities were organizing educational programs (including one that reunited former legal adversaries Jerry Falwell and Larry Flynt to discuss their landmark U.S. Supreme Court case). For over 20 years, Josh also co-directed a First Amendment Clinic as an adjunct at the University of Virginia School of Law, and then co-taught the Free Speech Clinic at Scalia Law.

November 18, 2025

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**