

Antonin Scalia Law School at George Mason University

FREE SPEECH CLINIC (Law 136)
Fall 2026 Course Syllabus (dated 7.29.2026)
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 – 5:30 p.m. 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. All readings denoted with an asterisk * are available on Canvas.

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%
- Short 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.

Academic Integrity: It is expected that students will adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school-related assignment. The use of Automated Writing Tools, including the use of generative AI tools (such as ChatGPT) is strictly prohibited even when properly attributed. The Honor Code is available here: [honor code](#).

August 18, 2026

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 25, 2026

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 1, 2026

Topic: Content Moderation, Section 230, and Jawboning

Reading: None

Speaker: *Trace Mitchell. Trace Mitchell serves as Deputy Chief Counsel of the House Subcommittee on the Administrative State, Regulatory Reform, and Antitrust. Immediately prior to this role, Trace served as Counsel for the House Judiciary Committee. His other experience has included working as Litigation Fellow with the Institute for Justice, Judicial Law Clerk with Judge Biran of the Court of Appeals of Maryland, Policy Counsel for NetChoice, and a Research Associate with the Mercatus Center. Trace was also a Program Associate with the Liberty & Law Center, as role he held while earning his J.D. from the Antonin Scalia Law School. During his time at Scalia Law, he participated in the Free Speech Clinic. Trace is a member of the bar in the District of Columbia.*

September 8, 2026

Topic: **Janus and Compelled Speech**
Reading: Janus v. AFSCME, 585 U.S. 878 (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.

September 15, 2026

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)*
- TBA

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 22, 2026

Topic: **Overbreadth and Vagueness**
Reading: **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**

September 29, 2026

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 6, 2026

Topic: **The Right to Receive Information**

Reading: This post by Ethan Blevins: [Can the Government Ban Medical Advice? SCOTUS May Decide](#)

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 13, 2026

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.

October 20, 2026

Topic: **Current ACLU Free Speech Litigation**

Reading: None

Speaker: **Emerson Sykes.** *Emerson is a senior staff attorney with the ACLU Speech, Privacy, and Technology Project where he focuses on First Amendment free speech protections. Prior to joining the ACLU in 2018, he was a legal advisor for Africa at the International Center for Not-for-Profit Law (ICNL). In that role, he provided technical legal assistance to civil society leaders, government officials, law students, and other stakeholders from across Africa to improve the legal framework protecting the freedom of association, assembly, and expression on the regional and national levels. From 2012-13, he served as assistant general counsel to the New York City Council, where he worked to increase transparency for council members’ discretionary spending, and contributed to the council’s friend-of-the-court brief against the NYPD’s “Stop and Frisk” program. In 2011, Emerson was a senior policy fellow in the office of a Member of Parliament in Ghana. Emerson previously conducted research and wrote about U.S. foreign policy for The Century Foundation, a progressive think tank, and worked for the National Democratic Institute’s Central and West Africa Team.*

Emerson holds a J.D. from the New York University School of Law, and a Master of Public Affairs degree from the Princeton School of Public and International Affairs. He earned his undergraduate degree in political science at Stanford.

October 27, 2026

TBA

November 3, 2026

****NO CLASS – ELECTION DAY****

November 10, 2026

TBA

November 17, 2026

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**