

**Antonin Scalia Law School at George Mason University**

**FREE SPEECH CLINIC (Law 136)**  
**Spring 2025 Course Syllabus (dated 1.3.25)**  
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 spring semester only.

Professors: Mike Connolly: [jconnol5@gmu.edu](mailto:jconnol5@gmu.edu)  
Office Hours: By appointment (Zoom appointments available)

JoAnn Koob: [jkoob@gmu.edu](mailto:jkoob@gmu.edu)  
Office Hours: Tuesdays 4:30 – 5:30 p.m., Thursdays 3:30 – 4:00 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.

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 spring semester will be based on a combination of case work, class participation, and an optional short paper. 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 (they will be the same as the fall semester guidelines).

- Casework: 75%; If you opt to do a paper, it will be factored into your casework grade
- 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*

### January 21, 2025

**Topic:** **State Speech Laws and Private Employers**  
**Reading:** None  
**Speaker:** **Eugene Volokh.** Eugene Volokh is the Thomas M. Siebel Senior Fellow at the Hoover Institution. For thirty years, he was a professor at the University of California – Los Angeles School of Law, where he has taught First Amendment law, copyright law, criminal law, tort law, and firearms regulation policy.

Professor Volokh is the author of the textbooks *The First Amendment and Related Statutes* (7th ed., 2020) and *Academic Legal Writing* (5th ed., 2016), as well as more than one hundred law review articles. He is a member of the American Law Institute and of the American Heritage Dictionary Usage Panel, and the founder and coauthor of *The Volokh Conspiracy*, a leading legal blog. His work has been cited in more than three hundred court opinions, including ten Supreme Court cases, as well as over five thousand academic articles. He has also filed briefs (mostly amicus briefs) in more than 150 cases and has argued in over thirty-five appellate cases in state and federal courts throughout the country.

Before coming to UCLA, Professor Volokh clerked for Justice Sandra Day O’Connor on the US Supreme Court and for Judge Alex Kozinski on the US Court of Appeals for the Ninth Circuit.

He graduated from UCLA with a BS in math-computer science and received his J.D. from UCLA as well. Professor Volokh was born in the Soviet Union; his family emigrated to the United States when he was seven years old.

### **\*\*January 28, 2025\*\***

**\*\*CLASS WILL MEET OVER ZOOM AND INCLUDE OTHER FREE SPEECH CLINICS\*\***

<https://gmu.zoom.us/j/93015550669>

(Zoom link also available on Canvas)

**Topic:** **Free Speech: What Everyone Needs to Know**  
**Reading:** None  
**Speaker:** **Nadine Strossen.** Professor Strossen is the John Marshall Harlan II Professor of Law Emerita at New York Law School and past President of the American Civil Liberties Union (1991-2008), is a Senior Fellow with FIRE (the Foundation for Individual Rights and Education), and a leading expert and frequent speaker/media commentator on

constitutional law and civil liberties. She has testified before Congress on multiple occasions. She serves on the advisory boards of the ACLU, Academic Freedom Alliance, Heterodox Academy, National Coalition Against Censorship, and the University of Austin.

The National Law Journal has named Strossen one of America's "100 Most Influential Lawyers," and several other publications have named her one of the country's most influential women. Her many honorary degrees and awards include the American Bar Association's prestigious Margaret Brent Women Lawyers of Achievement Award (2017). In 2023, the National Coalition Against Censorship (an alliance of more than 50 national non-profit organizations) selected Strossen for its Judy Blume Lifetime Achievement Award for Free Speech.

She is the author of *HATE: Why We Should Resist It with Free Speech, Not Censorship* (2018) and *Free Speech: What Everyone Needs to Know* (2023).

Professor Strossen graduated from both Harvard College and Harvard Law School. Before becoming a law professor, she practiced law in Minneapolis (her hometown) and New York City.

#### February 4, 2025

**Topic:** Occupational Speech  
**Reading:** TBD  
**Speaker:** **Jeffrey Redfern.** Jeffrey is an attorney for the Institute for Justice. He litigates constitutional cases protecting property rights and free speech. Jeffrey was the lead attorney in *Baker v. City of McKinney*, a case in which, for the first time in history, a federal court ruled that an innocent homeowner was entitled to compensation when her house was destroyed by a SWAT raid. In his free speech practice, Jeffrey has fought for the First Amendment rights of book publishers and talk therapists to be free of government regulation targeted at the content of their speech. Before joining IJ, Jeffrey was a member of the appellate group at Mayer Brown LLP, where he worked on various constitutional issues in the U.S. Supreme Court and in lower federal and state courts. Jeffrey clerked for Judge Laurence Silberman of the U.S. Court of Appeals for the D.C. Circuit, where he learned to loathe acronyms. He earned his J.D., cum laude, from Harvard Law School in 2012. He earned his MA in humanities from the University of Chicago in 2006 and his BA in English, magna cum laude, from Carleton College in 2005.

#### February 11, 2025

**Topic:** Artificial Intelligence, the TikTok ban, and Free Speech  
**Reading:** None  
**Speaker:** **Gene Policinski.** Gene Policinski is a Senior Fellow for the First Amendment at the Freedom Forum, where he writes, lectures, and speaks on an array of First Amendment topics. His work often focuses on press freedom and free speech issues, including whistleblower protections, data privacy and the intersection of news coverage and

courts. He regularly contributes to the Freedom Forum’s “First Five” series, has been published in several law review journals and wrote a chapter on press freedom in the American Bar Association book “Whistleblowers, Leaks and the First Amendment.” He is also the author of a new book, “From the Village Green to the Village Screen,” which explores the evolution of First Amendment law, customs, and social mores. Since arriving at the Freedom Forum in 1996, Policinski has served in many roles including as Executive Director of the First Amendment Center, President of the Diversity Institute and Chief Operating Officer of the Freedom Forum Institute, among others. He was a founding Editor of USA Today.

**February 18, 2025**

**Topic:** TBD  
**Reading:**  
**Speaker:**

**February 25, 2025**

**Topic:** **Content Moderation and Section 230**  
**Reading:** TBD  
**Speaker:** **Trace Mitchell.** Trace Mitchell serves as Counsel for the House Judiciary Committee. Formerly, he was a Litigation Fellow with the Institute for Justice and Judicial Law Clerk with Judge Biran of the Court of Appeals of Maryland. Prior to that he served as Policy Counsel for NetChoice, a technology-focused trade association dedicated to the principles of free enterprise and free expression on the internet, where he focused on issues surrounding content moderation, antitrust policy, and entrepreneurialism and innovation more generally. Trace has also worked as a Research Associate with the Mercatus Center and as a Program Associate with the Liberty & Law Center at George Mason University. He received his J.D. from the Antonin Scalia Law School, during which time he participated in the Free Speech Clinic. Trace is a member of the bar in the District of Columbia.

**March 4, 2025**

**Topic:** TBD  
**Reading:**  
**Speaker:**

**March 11, 2025**

**Spring Break: NO CLASS**

**March 18, 2025**

**Topic:** Free Speech and Torts I

**Reading:**

- *New York Times v. Sullivan*, 376 U.S. 254 (1964) (read edited version available on Canvas)\*
- *Hustler v. Falwell*, 485 U.S. 46 (1988)\*
- *Snyder v. Phelps*, 562 U.S. 443 (2011)\*

**Speaker:** Professor Koob

**March 25, 2025**

**Topic:** Section 230, Data Privacy, and Free Speech on the Internet

**Reading:** TBD

**Speaker:**

**Jennifer Huddleston.** Jennifer Huddleston is a senior fellow in technology policy at the Cato Institute. Her research focuses on the intersection of emerging technology and law with a particular interest in the interactions between technology and the administrative state. Jennifer’s work covers topics including antitrust, online content moderation, data privacy, and the benefits of technology and innovation. Her work has appeared in *USA Today*, *National Review*, the *Chicago Tribune*, *Slate*, *RealClearPolicy*, and *U.S. News and World Report*. She has published in law journals including the *Berkeley Technology Law Journal*, *George Mason Law Review*, *Oklahoma Law Review*, and *Colorado Technology Law Journal*. Jennifer has a JD from the University of Alabama School of Law and a BA in political science from Wellesley College.

**April 1, 2025**

**Topic:** Defamation (Free Speech and Torts II)

**Reading:**

- *New York Times v. Sullivan*, 376 U.S. 254 (1964)\*
- “A Rape on Campus,” by Sabine Rubin Erdely, *Rolling Stone*\*

**Speakers:**

**Elizabeth Libby Locke and Tom Clare.** Elizabeth (Libby) and Tom are the founders of Clare Locke LLP, a law firm specializing in defamation.

**Libby Locke.** Libby is one of the country’s most sought-after libel lawyers. She is a trusted counselor and fierce advocate for Fortune 100 companies and high-profile individuals facing existential reputational attacks from the national media and other influential publishers, achieving remarkable results for her clients both in and outside the courtroom. After co-founding Clare Locke LLP in 2014, Libby rapidly rose to national prominence for a highly-publicized multi-million dollar trial victory against *Rolling Stone* magazine about a fabricated gang rape at a University of Virginia fraternity. She regularly advises clients and their PR counsel in dealing with the national media in crisis situations, and some of her biggest wins are the false stories the public will never hear about. She has killed flawed articles, storylines, and broadcast segments in outlets including in *The New York Times*, *The Washington Post*, *Vanity Fair*, *The National Enquirer*, and on *Bloomberg*, *CBS*, and *The Dr. Oz Show*. Libby has also served as an

adjunct professor at Georgetown University Law Center and George Washington University Law School.

Libby received her J.D. from Georgetown University Law Center. After law school, she clerked on the U.S. Court of Appeals for the Fifth Circuit and then began her career in private practice at Kirkland & Ellis. Perhaps the accomplishment of which she is most proud, Libby is a mom of five. She lives in Alexandria, Virginia with her husband and law partner, Tom Clare, their children, and the world's most spoiled Labrador Retriever, Gipper.

**Tom Clare.** Tom's practice is devoted to defending clients against high-profile reputational attacks in print, broadcast, and online media outlets and litigating complex business disputes. In 2019, Tom secured a jury verdict for Dr. Fred Eshelman, a prominent North Carolina investor and philanthropist, in a libel action filed against Puma Biotechnology and its CEO. Tom has handled defamation matters for Fortune 500 companies and prominent individuals, including CEOs, hedge fund managers, university presidents, professional athletes and sports teams, celebrities, journalists, military officials, and other high-profile individuals who find themselves under attack by the media or other interests intent on damaging their reputations.

Prior to founding Clare Locke LLP, Tom was an equity partner at one of the nation's premier litigation firms. With 20 years of experience handling high-stakes litigation matters in state and federal courts across the country, he has acted as lead counsel and lead trial counsel in each of the following areas: defamation, invasion of privacy, bankruptcy adversary proceedings, contract disputes, fraudulent conveyance actions, product liability, international arbitration, asbestos liability, Uniform Commercial Code, securities, RICO, catastrophe litigation, insurance coverage, real estate development, data privacy, government enforcement and regulations, and leak investigations.

#### **April 8, 2025**

**Topic:** TBD  
**Reading:**  
**Speaker:**

#### **April 15, 2025**

**Topic:** TBD  
**Reading:**  
**Speaker:**

#### **April 22, 2025**

**Topic:** **Free Speech Careers**  
**Reading:** None

**Speakers: Professors Connolly and Koob**