

THE FIRST AMENDMENT
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2026 SYLLABUS – LAW6511 -23141 # CREDITS 3

Professor Maru Smith-Opabola

Office Phone: (352) 273-0811

Email: opabola@law.ufl.edu

Office Hours: Tuesday 10 AM-11 AM and Wednesday 10 AM to 11 AM (or by appointment)

Office Location: Holland Hall 342

MEETING TIME: Monday and Wednesday 3:00 PM-4:25 PM

LOCATION: Holland Hall 285D

COURSE DESCRIPTION AND OBJECTIVES:

This course explores the doctrine and theory of the First Amendment of the U.S. Constitution.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- Increase your understanding of the basic building blocks of free expression, the press, assembly, association and religion theory and doctrine, primarily focusing on Supreme Court cases but also reviewing emerging issues.
- Provide you with the analytic tools to assess the complex First Amendment issues that arise in various social and political contexts.
- Improve your ability to spot First Amendment issues and analyze them orally and in writing in a timely fashion, with professionalism and civility.
- Improve your ability to read and analyze U.S. Supreme Court cases and better understand how legal analysis of constitutional law issues differs from analysis of common law and statutory issues.
- Please note that while racial, gender or sexuality oriented epithets may be contained in some of the readings, we will not use epithets in class discussions irrespective of speaker identity.

REQUIRED READING MATERIALS:

ERWIN CHEMERINSKY, THE FIRST AMENDMENT (ASPEN PUBLISHING 3D ED. 2024) & handouts (to be found on Canvas at least one week in advance of class for which it is assigned). I reserve the right to add a “hot topic” if a relevant one arises. :)

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students will be evaluated based upon:

1. Final Exam (95%)

Ninety-five percent of your grade in this class will be based on your score on the final exam. The final exam will be an open-note (closed-book) exam administered in the classroom on the scheduled exam date.

2. Quizzes & Participation (5%)

I will administer at least 1 quiz during the semester with at least two weeks’ notice. The questions will cover topics we discuss in class and will also be designed to guarantee that you are reading and

comprehending the assigned cases. The quiz or quizzes combined with class participation will account for 5% of your final exam score. I may add bonus points to help boost your score, but the score will not go above the 5 percentage points of the final.

I expect every student to be prepared to participate in class discussions. You will have up to two (2) times to let me know in advance if you know you will not be prepared for class, and this will not harm your participation grade. Otherwise, failure to be prepared when called may affect your final grade.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. I will pass around an attendance sheet each day; students who are present should sign their initials next to their names. The attendance sheet will be considered final; if your name is not initialed by the end of class, you will be considered absent. Students missing more than six (6) classes will be dropped from the course. Signing in any student as present other than yourself is strictly prohibited and is a violation of the Honor Code on the part of all students involved. I will warn students prior to their possible removal from class as a result of their absences. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

INFORMATION ON UF LAW GRADING POLICIES:

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

| Letter Grade | Point Equivalent | Letter Grade | Point Equivalent |
|------------------|------------------|---------------------|------------------|
| A (Excellent) | 4.0 | C (Satisfactory) | 2.0 |
| A- | 3.67 | C- | 1.67 |
| B+ | 3.33 | D+ | 1.33 |
| B | 3.0 | D (Poor) | 1.0 |
| B- | 2.67 | D- | 0.67 |
| C+ | 2.33 | E (Failure) | 0.0 |

The law school grading policy is available [here](#).

OBSERVANCE OF RELIGIOUS HOLIDAYS:

UF Law respects students' observance of religious holidays.

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

STUDENT COURSE EVALUATIONS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session. Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately 3 hours in length, requiring at least **6 hours of** outside of class spent reading and analyzing the assigned materials and reviewing class notes.

UF ACADEMIC POLICIES AND RESOURCES:

Other information about UF academic policies and resources can be found at [this link](#).

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

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| UNIT 1: Freedom of Speech A. Free speech methodology | |
| 1 | <i>Class 1: Introduction & Course Overview</i> <i>Why is speech constitutionally protected?</i> <i>Techniques of judicial analysis I: content-neutrality I</i> <i>Required Readings: pp. 3-24</i> |
| 2 | <i>Class 2: Techniques of judicial analysis: content-neutrality II</i> <i>Required Readings pp. 24-46</i> |
| 3 | <i>Class 3: Techniques of judicial analysis: content-neutrality II</i> <i>Required Readings pp. 46-75</i> |
| 4 | <i>Class 4: What is an infringement of speech? I</i> <i>Required Readings pp. 75-100</i> |
| 5 | <i>Class 5: What is an infringement of speech? II</i> <i>Required Readings pp. 100-121</i> |
| UNIT 1B. When Should the Government Be Able to Suppress or Regulate Speech?: Unprotected and Less Protected Speech | |
| 6 | <i>Class 6: Incitement to illegal conduct</i> <i>Required Readings pp. 121-147</i> |
| 7 | <i>Class 7: True threats, fighting words, the hostile audience, and the problem of racist speech</i> <i>Required Readings pp. 147-176</i> |
| 8 | <i>Class 8: Sexually oriented speech I</i> <i>Required Readings pp. 176-195</i> |
| 9 | <i>Class 9: Sexually oriented speech II; Violent Speech</i> <i>Required Readings pp. 195-220</i> |
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| 10 | <i>Class 10: Commercial Speech</i> <i>Required Readings pp. 220-245</i> |
| 11 | <i>Class 11: Tort Liability for Speech</i> <i>Required Readings pp. 245-268</i> |
| 12 | <i>Class 12: Non-verbal communication I</i> <i>Required Readings pp. 268-291</i> |
| 13 | <i>Class 13: Non-verbal communication II</i> <i>Required Readings pp. 291-310</i> |
| UNIT 1C. What Places Are Available for Speech? | |
| 14 | <i>Class 14: Government property and speech</i> <i>Required Readings pp. 313-335</i> |
| 15 | <i>Class 15: Government property and speech II: Private Property and Speech</i> <i>Required Readings pp. 335-348</i> |
| 16 | <i>Class 16: Speech in authoritarian places</i> <i>Required Readings pp. 348-379</i> |
| UNIT 1D. Freedom of Association | |
| 17 | <i>Class 17: What is the constitutional protection for freedom of association?</i> <i>Required Readings pp. 379-407</i> |
| UNIT 1E. Freedom of the press | |
| 18 | <i>Class 18: Freedom of the press as a shield to protect the press from the government</i> <i>Required Readings pp. 407-420</i> |
| 19 | <i>Class 19: Freedom of the press as a sword: a First Amendment right of access to government places and papers?</i> <i>Required Readings pp. 420-430</i> |
| Unit II The Religion Clauses | |
| 20 | <i>Class 20: Introduction to the religion clauses; Free exercise clause I</i> <i>Required Readings pp. 433-455</i> |

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| 21 | <i>Class 21: Free exercise clause II</i> <i>Required Readings pp. 455-472</i> |
| 22 | <i>Class 22: Free exercise clause III</i> <i>Required Readings pp. 472-483</i> |
| 23 | <i>Class 23: The establishment clause</i> <i>Required Readings pp. 483-507</i> |
| 24 | <i>Class 24: The problem of prayer at government events I</i> <i>Required Readings pp. 507-542</i> |
| 25 | <i>Class 25: The problem of government aid to religious schools</i> <i>Required Readings pp. 542-583</i> |