

Today's Key First Amendment Battles

Who Gets to Say It and Who Gets to Stop It: Redux

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Vidyarathi

September 25, 2024

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Roadmap

The First Amendment and the Internet

01

- *NetChoice*
- *Free Speech Coalition*

The Government and the First Amendment

02

- *O'Connor-Ratcliff and Lindke*
- *Murthy*
- *Vullo*

03 **Trump: Gagged but Undeterred**

04 **Looking Ahead**

The First Amendment and the Internet

NetChoice

Free Speech Coalition v. Paxton

01

NetChoice Cases

Florida (*Moody v. NetChoice*, CA11)

- S.B. 7072: (i) Restrictions on content-based decisions about what user-generated material can appear on platform; (ii) individualized explanation mandate for affected users; (iii) general-disclosure requirement on content-moderation protocols.
- Applies to “[s]ocial media platform[s]” that have “annual gross revenues in excess of \$100 million” or “at least 100 million monthly individual platform participants.”
- Eleventh Circuit affirms in part decision granting PI.

Texas (*NetChoice v. Paxton*, CA5)

- Texas H.B. 20: (i) Restrictions on content-based decisions about what user-generated material can appear on platform; (ii) individualized explanation mandate for affected users; (iii) general-disclosure requirement on content-moderation protocol.
- Applies to social-media platforms that have “more than 50 million active users in the United States in a calendar month.”
- Fifth Circuit in a 2-1 ruling dissolves the PI because NetChoice unlikely to succeed on merits.

***NetChoice* Cases**

- **Eleventh Circuit:** “[S]ocial-media platforms’ content-moderation activities” are “‘speech’ within the meaning of the First Amendment,” so restrictions are subject to either strict or intermediate First Amendment scrutiny.”
 - “S.B. 7072’s content-moderation restrictions do not further any substantial governmental interest.”
- **Fifth Circuit:** Content-moderation activities are “not speech.” Instead, those activities are “censorship” that States may freely regulate without implicating the First Amendment.
 - Even under First Amendment, H.B. 20’s content-moderation restrictions “satisf[y] intermediate scrutiny.”

***Moody v. NetChoice* (SCOTUS)**

- **Factual issues:** neither CA11 nor CA5 conducted proper factual analyses of facial First Amendment challenges.
- Reaffirms that social media platforms are private entities that have their own First Amendment rights.
- Notes that the interest in improving or balancing the marketplace of ideas is not a governmental interest sufficient to satisfy heightened scrutiny, let alone rational basis review.
- Texas's regulation was a "disapproval of the platforms' current content selection and moderation practices," reflecting an imposition of state preferences on platforms' speech and expression.

Free Speech Coalition v. Paxton: H.B. 1181

(a) A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website, including a social media platform, more than one-third of which is sexual material harmful to minors, shall use reasonable age verification methods as described by Section 129B.003 to verify that an individual attempting to access the material is 18 years of age or older.”

Please verify your age to access Pornhub

 Fast, Secure & Private



Louisiana law now requires us to put in place a process for verifying the age of users who connect to our site from Louisiana. The privacy and security of the Pornhub community is our priority, and we thank you for your cooperation.

Check my age 

It takes about a minute.



We guarantee that Pornhub does not collect any data during this process.



This process is carried out by reputable service providers who specialize in verifying the age of online users.



Your proof of age does not allow anyone to trace your online activity.

Pornhub is dedicated to developing state-of-the-art security features to protect its community. Pornhub is fully **RTA compliant**, which means that devices with appropriately configured parental controls will block access to our content. We encourage all platforms in the adult industry to use this technology, along with all available safety and security protocols. We also recommend that all parents and guardians use technology to prevent their children from accessing content not intended for minors.

Free Speech Coalition v. Paxton: H.B. 1181

(a) A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website, including a social media platform, more than one-third of which is sexual material harmful to minors, shall use reasonable age verification methods as described by Section 129B.003 to verify that an individual attempting to access the material is 18 years of age or older.”

(6) “Sexual material harmful to minors” includes any material that:

- (A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to or pander to the prurient interest;
- (B) in a manner patently offensive with respect to minors, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of:
 - (i) a person’s pubic hair, anus, or genitals or the nipple of the female breast;
 - (ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or
 - (iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and
- (C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

Pornhub suspends site in Texas due to state’s age-verification law

Legal experts say a 5th Circuit decision to uphold part of a Texas law regulating adult entertainment websites conflicts with U.S. Supreme Court precedent regarding minors’ access to obscene material online.

BY WILLIAM MELHADO MARCH 14, 2024 UPDATED: APRIL 30, 2024

SHARE REPUBLISH ↗

Texas Pornhub Ban Sees Spike in VPN Use

Published Mar 20, 2024 at 11:08 AM EDT | Updated Mar 20, 2024 at 3:09 PM EDT

By James Bickerton
US News Reporter

U.S. Supreme Court will hear challenge to Texas’ age verification requirement for porn sites

A state law passed last year requires pornographic websites to adopt age-verification measures, leading sites like Pornhub to block user access in Texas.

BY JUAN SALINAS II JULY 2, 2024 11 AM CENTRAL

SHARE REPUBLISH ↗

Free Speech Coalition v. Paxton: Procedural History

PI overturned by CA5, which applies rational basis scrutiny

- *But see Ashcroft v. ACLU, Reno v. ACLU, United States v. Playboy Entertainment Group*

Question presented: Whether the court of appeals erred as a matter of law in applying rational-basis review to a law burdening adults' access to protected speech, instead of strict scrutiny as this Court and other circuits have consistently done.

- Why strict scrutiny?

No. 23-1122

IN THE
Supreme Court of the United States

FREE SPEECH COALITION, ET AL.,
Petitioners,

v.

KEN PAXTON, IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL FOR THE STATE OF TEXAS,
Respondent.

**On Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

**BRIEF OF THE INTERNATIONAL CENTRE FOR
MISSING AND EXPLOITED CHILDREN
AS AMICUS CURIAE
IN SUPPORT OF PETITIONERS**

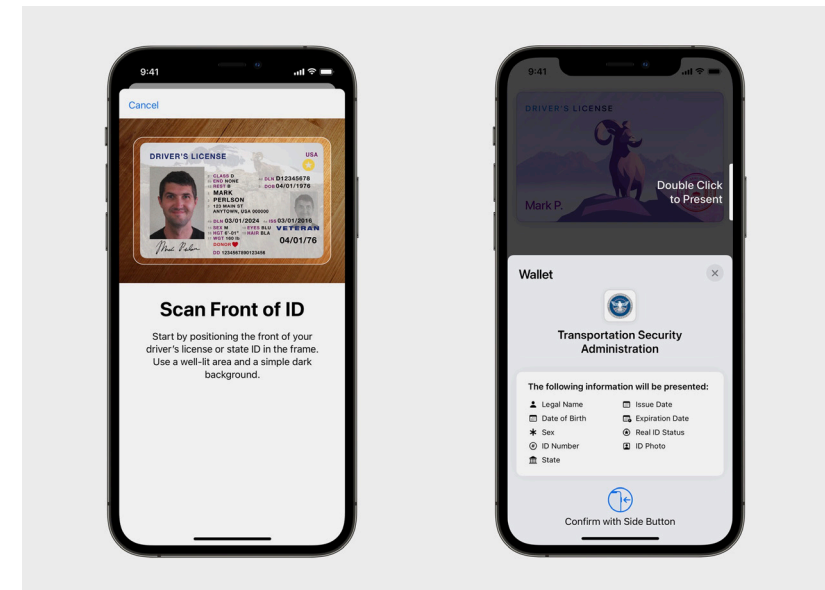
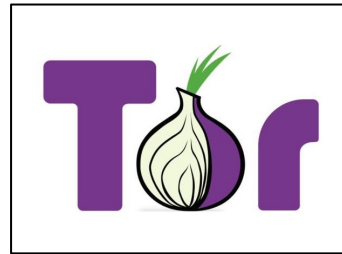
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Free Speech Coalition v. Paxton

Strict Scrutiny Analysis

- ✓ Compelling state interest
- ✗ Narrowly tailored
 - “One-third”
 - “Sexual material harmful to children”
- ✗ Most effective/least restrictive alternative

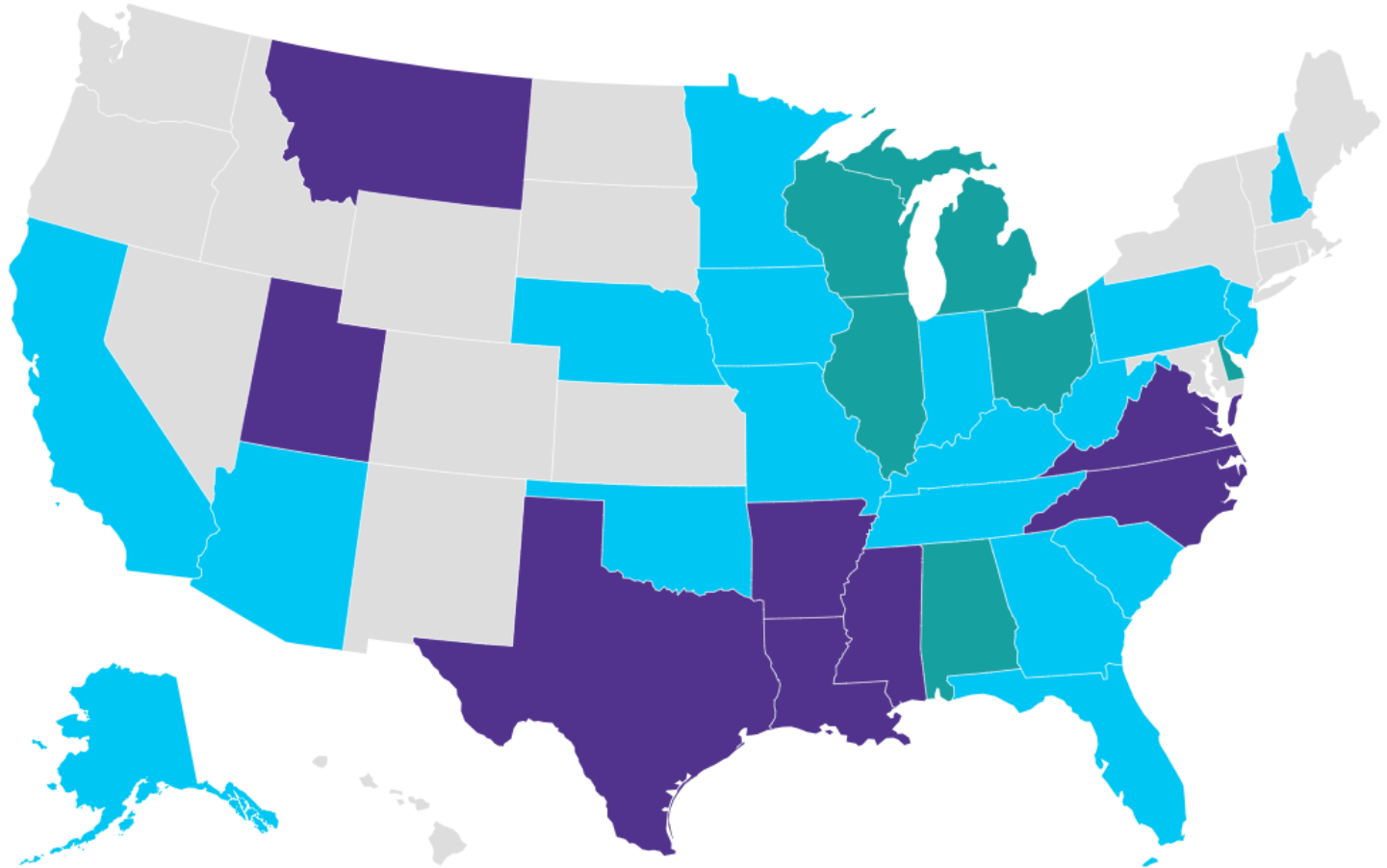


At least eight states with laws in effect, with twenty-five considering such bills

Age verification laws are sweeping the nation

Bills mandating digital ID age verification on sites with substantial adult content by status

■ In effect ■ Introduced 2023 ■ Introduced or pre-filed for 2024



As of May 1, 2024. If a state has introduced bills over multiple years, the earliest year is shown on the map.

Source: Free Speech Coalition
Chart: Jasmine Mithani

The 19th • 19thnews.org

The Government and the First Amendment

O'Connor-Ratcliff v. Garnier and

Lindke v. Freed

Murthy v. Missouri

NRA v. Vullo

02

O'Connor-Ratcliff v. Garnier and Lindke v. Freed



Does a public official engage in state action subject to the First Amendment by blocking an individual from the official's personal social media account, which the official uses to communicate about job-related matters with the public?

Lindke v. Freed

- Freed was the City Manager of Port Huron, MI. Freed maintained a personal FB profile, starting in 2008. Eventually, as his follower count grew, Facebook converted it to a public page. Freed's Facebook page identified the city website and email address as the website and email address associated with the page
- Posted both personal content (family and pet photos, home-improvement projects) and city content (programs, policies, and development initiatives; events; COVID information).
- Constituents often commented on his posts.
- Freed blocked one disgruntled commenter and deleted his comments.



City Manager

Under the City Charter Mr. Freed serves as City Manager, Chief Administrative Officer for the City of Port Huron, MI.

At the direction of the Mayor and City Council, Mr. Freed provides leadership to all City staff. Mr. Freed oversees the daily operations of the City. In addition to day to day management, Mr. Freed, under the direction of the Mayor and City Council develops annual operating budgets, plans long term capital improvement projects, and oversees project development and project execution.



Lindke v. Freed

- “[S]peech is attributable to the state only if the official
 - (1) possessed actual authority to speak on the State’s behalf, and
 - (2) purported to exercise that authority when he spoke on social media”
- Fact-specific inquiry
- *O’Connor-Ratcliff* remanded for analysis under same standard



Murthy v. Missouri



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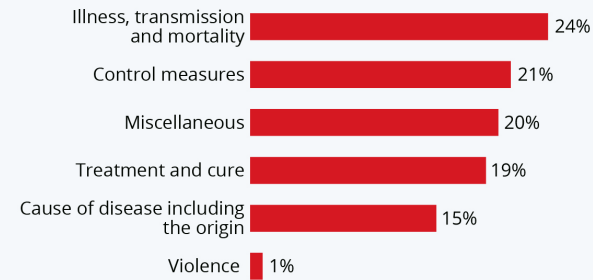
54-Year-Old Facebook User Wins Nobel Prize For Own Extensive Internet Research Into Dangers Of Covid Vaccine

Published October 2, 2023

[Twitter](#) [Facebook](#) [Reddit](#) [Email](#) [Link](#)

The Composition Of Coronavirus Misinformation

Composition of Covid-19 rumors, stigma and conspiracy theories circulating on social media/online news platforms*



* Based on 2,311 reports in 25 languages from 87 countries between Dec 31, 2019 and Apr 15, 2020.
Source: American Journal of Tropical Medicine and Hygiene



statista

Whether the government's challenged conduct transformed private social-media companies' content-moderation decisions into state action and violated respondents' First Amendment rights.

Murthy v. Missouri



Fifth Circuit modified the District Court's injunction to state:

The defendants, and their employees and agents, shall not “coerce or significantly encourage social-media companies to remove, delete, suppress, or reduce, including through altering their algorithms, posted social-media content containing protected free speech.”

Whether the government's challenged conduct transformed private social-media companies' content-moderation decisions into state action and violated respondents' First Amendment rights.

Murthy v. Missouri (SCOTUS)

- Majority of 6 Justices (Roberts, Barrett, Kavanaugh, liberals): no standing
- Did not credit “direct censorship injury” theory because of a failure of traceability to state action
- Did not credit “right to listen” theory because cognizable injury only where the listener has a concrete, specific connection to the speaker on a specific topic—no general right to receive information.
- Dissent of 3 Justices (Alito, Thomas, Gorsuch): far more expansive view of standing
 - Need only show “one predictable effect” of gov’t actions was that they would cause FB to modify policies “in a way that affected her.”

Content Restrictions Based on Local Law

When something on Facebook or Instagram is reported to us as going against local law, but doesn't go against our Community Standards, we may restrict the content's availability in the country where it is alleged to be unlawful.

Government requests to remove content

Courts and government agencies around the world regularly request that we remove information from Google products. We review these requests closely to determine if content should be removed because it violates a law or our product policies. In this report, we disclose the number of requests we receive in six-month periods.

Legal Removals

This section of the report covers legal removal requests received by Reddit from governments, law enforcement agencies, and private parties around the world between January 1 - June 30, 2023. We have also added a new section focused on how Reddit identifies and removes terrorist content on the platform.

Removal Requests

47.6K

X received 47,572 global legal demands to remove content (Jul - Dec 2021)

NRA v. Vullo: Bully Pulpit v. The First Amendment



Andrew Cuomo
@NYGovCuomo

The NRA is an extremist organization.

I urge companies in New York State to revisit any ties they have to the NRA and consider their reputations, and responsibility to the public.



New York governor presses banks, insurers to weigh risk of NRA ties

New York Governor Andrew Cuomo on Thursday ramped up pressure on banks and insurers to revisit whether their ties to the National Rifle Association and other gun reuters.com

8:58 AM - 20 Apr 2018

290 Retweets **936** Likes

Andrew Cuomo
@andrewcuomo

The regulations NY put in place are working. We're forcing the NRA into financial jeopardy. We won't stop until we shut them down.
rollingstone.com/politics/polit...

1:57 PM - Aug 3, 2018

17 Retweets **4** Quotes **54** Likes

NRA v. Vullo

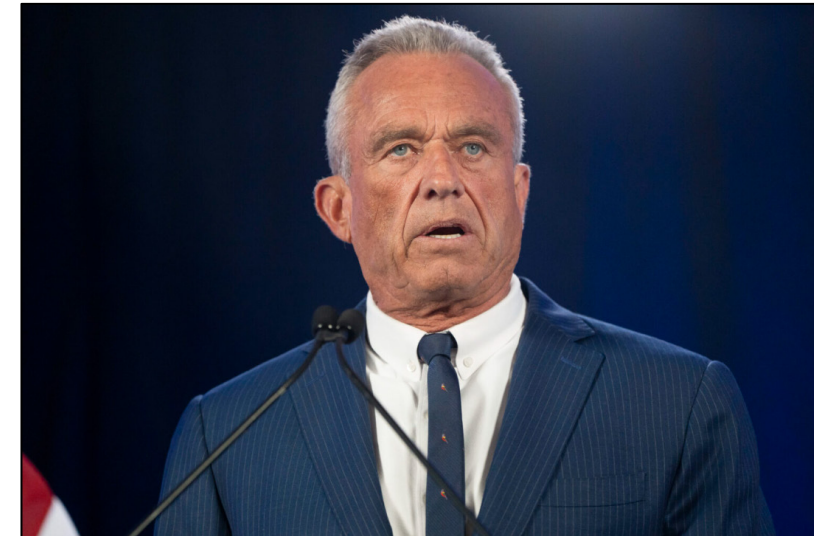
- The Court relies on *Bantam Books v. Sullivan*, 372 U.S. 58 (1963), to hold that the NRA had stated a claim for government coercion of a third party as a means to punish or suppress the NRA's pro-gun advocacy.
- The decision was unanimous, authored by Justice Sotomayor., with Justice Gorsuch and Justice Jackson filing separate concurrences.
- To state a claim of government coercion of a third party, alleged conduct must convey a threat of adverse government action in order to punish plaintiff's speech.
- Whether government conduct is coercive depends on how a reasonable person would perceive it. While there is no all-inclusive multi-factor test to assess coercion, the Court looked to:
 - the actual authority of the government official/ body
 - communications between government and third party
 - public statements from government officials

NRA v. Vullo

- Justice Jackson concurs to point out that the case is better analyzed as a retaliation case, not a coercion case because the government action here did not censor the NRA's speech, unlike in *Bantam Books* and similar cases involving actually pulling publications from distribution based on vague threats of enforcement.
- Justice Gorsuch concurs to emphasize there is no all-inclusive test for coercion, and courts must look to the facts alleged as a whole.

Children's Health Defense v. Meta

- Anti-vaccine group faced scrutiny from Facebook starting in 2019.
- Meta's actions to slow the spread of CHD's content did not create a First Amendment claim.
- Meta's conduct is not state action because it was applying its own policies, not a statute or policy
- Citing to *Vullo*, no allegation of Meta working together with government such that Meta's conduct fairly attributable to government.



Gagged but Undeterred

A follow-up on Trump gag orders

03

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP

Defendant

JUAN M. MERCHAN, A.J.S.C.:

ORDERED, that the People's motion for a restriction on extrajudicial statements by the Defendant is **GRANTED** to the extent that Defendant is directed to refrain from the following:

- a. Making or directing others to make public statements about known or reasonably foreseeable witnesses concerning their potential participation in the investigation or in this criminal proceeding;
- b. Making or directing others to make public statements about (1) counsel in the case other than the District Attorney, (2) members of the court's staff and the District Attorney's staff, or (3) the family members of any counsel or staff member, if those statements are made with the intent to materially interfere with, or to cause others to materially interfere with, counsel's or staff's work in this criminal case, or with the knowledge that such interference is likely to result; and
- c. Making or directing others to make public statements about any prospective juror or any juror in this criminal proceeding.

VIOLATION

By virtue of an interview defendant gave on April 22, 2024, at approximately 6:00 P.M. to a program called Just the News No Noise, which is broadcast on a network called Real America's Voice. Among other things, Defendant stated "You know [the judge is] rushing the trial like crazy. Nobody's ever seen a thing go like this. That jury was picked so fast – 95% democrats. The area's mostly all democrat. You think of it as a – just a purely democrat area. It's a very unfair situation that I can tell you." Conroy Affirmation Ex. F.

NOT A VIOLATION

By virtue of a press event Defendant held at 49th Street and Park Avenue in Manhattan on April 25, 2024, at approximately 6:35 A.M. in response to a question about David Pecker's ongoing testimony in this trial: "He's been very nice, I mean he's been – David's been very nice. A nice guy." Conroy Affirmation Ex. H.

Trump Spews False Claims and Fury in Wake of Conviction

Donald J. Trump, speaking from the gilded lobby of his Midtown Manhattan tower, excoriated prosecutors and the judge in his criminal case and ran through a litany of false statements. President Biden called the remarks reckless, dangerous and irresponsible.

Published May 31, 2024 Updated June 3, 2024

[*New York Times*]



Regarding Paragraph (b), this Court notes that while witness testimony has concluded, a verdict has been rendered, and the jury discharged - the proceedings are not concluded. This matter has been set down for the imposition of sentence on July 11, 2024. Until sentence is imposed, all individuals covered by Paragraph (b) must continue to perform their lawful duties free from threats, intimidation, harassment, and harm.

ORDERED, that Paragraph (a) and Paragraph (c) of the Orders Restricting Extrajudicial Statements of the Defendant are terminated effective the date of this Decision and Order, and it is further

ORDERED, that Paragraph (b) of the April 1, 2024, Decision and Order restricting extrajudicial statements of the Defendant shall remain in effect until the imposition of sentence.

Petitioner’s contention that the conclusion of trial constitutes a change in circumstances warranting termination of the remaining Restraining Order provision is unavailing. Courts are empowered to protect against the “unfair administration of justice” (*United States v Trump*, 88 F4th 990, 1008 [DC Cir 2023], quoting *Landmark Communications, Inc. v Virginia*, 435 US 829, 844 [1978]). The fair administration of justice necessarily includes sentencing, which is “a critical stage of the criminal proceeding” (*People v Outley*, 80 NY2d 702, 712 [1993]). Indeed, under the CPL, a “criminal action . . . terminates with the imposition of sentence or some other final disposition in a criminal court” (CPL 1.20[16][c]), neither of which has occurred here. Accordingly, since the underlying criminal action remains pending, Justice Merchan did not act in excess of jurisdiction by maintaining the narrowly tailored protections in paragraph (b) of the Restraining order. Contrary to petitioner’s contentions, the People’s evidentiary submissions in opposition to his motion in Supreme Court demonstrate that threats received by District Attorney staff after the jury verdict continued to pose a significant and imminent threat.

As set forth in the accompanying brief and complaint, the actions by New York have created constitutional harms that threaten to infringe the rights of Missouri's voters and electors, namely:

- New York's gag order and impending sentence unlawfully impede the ability of electors to fulfill their federal functions.
- New York's gag order and impending sentence violate the *Purcell* principle.
- New York's gag order and impending sentence violate the First Amendment rights of Missouri citizens to listen to the campaign speech of a specific individual on specific topics.

MCLE Certificate Information

- Approved for the following General/PP credit: CA – 1.25, CO – 1.5, CT – 1.0, E&W – 1.25, IL – 1.25, NJ – 1.5, NY – 1.5, TX – 1.25, VA – 1.25, WA – 1.25
- CLE credit form must be submitted by Wednesday, October 2.
- Form Link: https://gibsondunn.qualtrics.com/jfe/form/SV_9zezaxc0ZvtMkCO
 - Most participants should anticipate receiving their certificate of attendance in four to eight weeks following the webcast.
- **Please direct all questions regarding MCLE to CLE@gibsondunn.com.**

Looking Ahead

Palin v. NYT

TikTok v. Garland

State regulations

04

Palin v. New York Times Co. (2d. Cir.)

- Sarah Palin sued the *New York Times* in 2017, alleging that a 2017 editorial falsely accused her PAC of inciting the 2011 shooting of Congresswoman Gabby Giffords.
- The case ultimately went to trial in 2022. During deliberations, Judge Rakoff dismissed the case under FRCP 50, ruling Palin had not proven actual malice by clear and convincing evidence. Shortly after this order, the jury returned a verdict in favor of the *New York Times*.
- Last month, the Second Circuit reversed and remanded, holding several defects at trial required a new trial, including the exclusion of certain evidence, a jury instruction, and the fact that the jury learned of Judge Rakoff's Rule 50 order during deliberations because of push notifications on several jurors' phones.



Forthcoming: *TikTok v. Garland* (D.C. Cir.)

- In April 2024, President Biden signed a law giving TikTok's parent company, ByteDance, 90 days to find a non-Chinese buyer or be banned nationwide.
- The law is set to take effect on Jan. 19, 2025.
- The D.C. Circuit heard oral arguments on September 16, 2024.
- TikTok argued that the Act violates the First Amendment, is an unconstitutional Bill of Attainder, and effects an unconstitutional taking.
- TikTok argued that the Act restricts speech and draws speaker- and content-based distinctions, that its differential treatment of petitioners is a standalone violation of the First Amendment and Equal Protection, and fails Strict Scrutiny.



State Bans Regulations

Don't Say Gay bill: *Equality Florida v. Florida State Bd. of Educ.* (dismissed for standing)

Drag Show Bans: *Griffin v. HM Florida-ORL* (injunction upheld by Supreme Court)

Stop WOKE Act: *Pernell v. Board of Governors; Novoa v. Diaz* (injunction in effect)

Book bans: *Pen American Center, Inc. v. Escambia Cnty. Sch. Bd.* (decision pending)



Speaker Bios

05



Amer S. Ahmed

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Amer S. Ahmed is a partner in the New York office of Gibson, Dunn & Crutcher. He is a member of Gibson Dunn's Litigation; Trials Practice; Appellate and Constitutional Law; and Media, Entertainment and Technology Practice Groups. Amer's practice focuses on representing institutional and individual clients in a variety of high-profile litigation matters at the investigatory, trial, and appellate levels, ranging from witness preparation to product-liability actions, white-collar criminal defense, and commercial disputes.

Amer has played a lead role in many First Amendment and defamation disputes. Among other matters, he has successfully defended The Washington Post against a libel lawsuit in federal court, won a complete dismissal of defamation claims against a leading social media company, advised technology companies on compliance issues under Section 230 of the Communications Decency Act, prosecuted defamation claims on behalf of a high-profile businessman based on a worldwide smear campaign, and is representing the online publication Media Matters for America in its defense of a defamation case lodged by X Corp.

Amer authored the practice guide on *Defamation and Reputation Management in the USA* on Lexology. Amer graduated from Columbia Law School where he was named a Harlan Fiske Stone Scholar and served as an articles editor of the *Columbia Law Review*. He received his Bachelor of Arts in Human Biology, with distinction, from Stanford University, where he was a President's Scholar and was elected to the Phi Beta Kappa Society.

Amer is a member of Gibson Dunn's New York Diversity Committee. He is admitted to practice in the State of New York and the District of Columbia, as well as in the Supreme Court of the United States; the United States Courts of Appeals for the District of Columbia Circuit, Second Circuit, and Fourth Circuit; the United States District Court for the District of Columbia; and the United States District Courts for the Southern and Eastern Districts of New York.

Amer's full biography can be viewed [here](#).

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Anne M. Champion

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Anne M. Champion is a partner in the New York office of Gibson, Dunn & Crutcher. She is a member of the Transnational Litigation, Media Law, and International Arbitration practice groups.

Anne has played a lead role in a wide range of high stakes litigation matters, including several high profile First Amendment disputes. She represented CNN's Jim Acosta and White House Correspondent Brian Karem in successful suits to reinstate their White House press passes, and Mary Trump in her defeat of an attempt to block publication of her best-selling book about the former President, *Too Much and Never Enough: How My Family Created the World's Most Dangerous Man*, for which *The American Lawyer* recognized her along with Ted Bontros and Matthew McGill as Litigators of the Week.

She was previously recognized as Litigator of the Week for the successful defeat of a petition to confirm an \$18 billion sham Egyptian arbitration award against Chevron Corporation and Chevron USA, Inc. She has been recognized by Lawdragon as among the "500 Leading Litigators in America," by Chambers USA 2023 for General Commercial Litigation, and Benchmark Litigation, which named her to its 2022 list of the "Top 250 Women in Litigation."

Anne earned her Bachelor of Science in physics with distinction from the University of Iowa and received the James A. Van Allen and the Myrtle K. Meier awards for excellence in physics. She earned her Juris Doctor, summa cum laude, from George Washington University School of Law, where she was the recipient of the Raymond F. Hossfeld Merit Scholarship. Following law school, Anne clerked for the Honorable Max Rosenn on the United States Court of Appeals for the Third Circuit.

Anne is admitted to practice in the courts of the State of New York, the United States District Courts for the Southern, Eastern, and Northern Districts of New York, the Eastern District of Texas, and the United States Courts of Appeals for the Second Circuit, the D.C. Circuit, and the Federal Circuit.

Anne's full biography can be viewed [here](#).

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Connor Sullivan is a partner in the New York office of Gibson, Dunn & Crutcher. He is a member of the Firm's Media, Entertainment, and Technology; Appellate and Constitutional Law; Privacy, Cybersecurity and Data Innovation; and Intellectual Property Practice Groups.

Connor has significant experience in First Amendment matters representing news media organizations and reporters, as well as litigating attempts to restrain speech prior to publication. He has been involved in some of the Firm's major recent First Amendment victories, including successfully representing members of the White House press corps suing to secure the return of suspended press credentials and representing Mary Trump, the niece of President Donald Trump, in successfully opposing the Trump family's attempt to enjoin the publication of her bestselling family memoir. Before joining the firm, he served as a member of the trial team in one of the largest defamation suits ever tried. He is a co-author of *Defamation and Reputation Management in the United States* for the global research platform Lexology. Connor has also worked on behalf of pro bono clients in connection with immigration and First Amendment rights.

Connor is admitted to practice in New York and the District of Columbia, and before the United States Courts of Appeals for the Second, Third, Fourth, Sixth, Ninth, and District of Columbia Circuits and the United States District Courts for the Southern and Eastern Districts of New York and the District of Columbia.

Connor's full biography can be viewed [here](#).

EDUCATION

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Associate / New York

Apratim Vidyarthi is a litigation associate in the New York office of Gibson, Dunn & Crutcher. His practice focuses on white collar, law firm defense, technology, and appellate and constitutional law, with a focus on First Amendment law.

Apratim is involved in several First Amendment matters, including representing Media Matters for America in its defense against Twitter/X Corp's defamation litigation(s), defending a former White House official's public speech calling out social media platforms' hosting of misinformation about COVID vaccines, defending a large technology company against a mandatory data-sharing bill, and representing social media companies' defenses against state and federal investigations.

Apratim also maintains an active First Amendment pro bono docket, having recently filed amicus briefs in [Free Speech Coalition v. Paxton](#), [Villareal v. Alaniz](#), and [Gonzalez v. Trevino](#) at the Supreme Court and in [Pemell v. Lamb](#) in the Eleventh Circuit, and defending a [Jewish divorcee's](#) First Amendment rights to protest their ex-husbands' refusals to grant permissions to divorce. He is a co-author of *Defamation and Reputation Management in the United States* for the global research platform Lexology.

Apratim graduated *cum laude* from the University of Pennsylvania Law School, where he served as Philanthropy Editor on the board of the *University of Pennsylvania Law Review*, was a Littleton Fellow, and received the Fred G. Leebron Memorial Prize for his writing in constitutional law. He received a Master's in Engineering from Carnegie Mellon and Bachelors degrees in Nuclear Engineering and Applied Mathematics from the University of California, Berkeley. He is admitted to practice in the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Eleventh Circuit.

Apratim's full biography can be viewed [here](#).



EDUCATION

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Master of Science

University of California - Berkeley
Bachelor of Arts

University of California - Berkeley
Bachelor of Science