

# First Amendment and Content Moderation

In an era of rapidly evolving digital platforms and heightened scrutiny of speech and expression, organizations face unprecedented challenges while managing legal and regulatory risks. Jenner & Block's First Amendment and Content Moderation Group brings decades of litigation and counseling experience to bear on the most pressing issues confronting studios and media companies, technology platforms, higher education institutions, and businesses across industries. Our lawyers have secured dismissals of defamation claims through anti-SLAPP motions, defeated constitutional challenges in federal and state courts, litigated landmark First Amendment cases before the US Supreme Court, and defended clients in high-stakes disputes involving Section 230 of the Communications Decency Act, content moderation policies, campus speech controversies, and privacy and right of publicity claims. Our lawyers understand that First Amendment issues have both constitutional and business consequences and leverage this nuanced understanding to protect clients' rights and interests in this complex and ever-changing landscape.

## **First Amendment**

For decades, Jenner & Block has been at the forefront of First Amendment litigation, arguing landmark cases before appellate courts nationwide including the US Supreme Court. Jenner & Block advises clients on cutting-edge issues involving protected speech, academic freedom, rights of publicity, content moderation, and more. Our lawyers have shaped the legal landscape through precedent-setting cases; defended colleges and universities against challenges to policies governing disruption, protest, and bias response; represented institutions bringing affirmative litigation based on their First Amendment rights; counseled clients facing government pressure to alter their business practices; and litigated matters involving FOIA, online speech, and other controversies implicating freedom of expression.

## **Defamation**

As defamation claims become increasingly common, companies need experienced counsel to protect speech while managing reputational risk. Jenner & Block has represented clients in high-stakes defamation matters, defending against lawsuits that threaten creative expression and journalistic integrity. Jenner & Block lawyers leverage procedural tools to efficiently resolve meritless claims, while using decades of First Amendment litigation experience to handle complex defamation cases at trial and on appeal. Our lawyers counsel media companies, entertainment

studios, publishers, technology platforms, and other businesses on pre-publication review, litigation strategy, and risk management.

## **Anti-SLAPP**

Strategic Lawsuits Against Public Participation (SLAPP) are claims designed to dissuade protected speech through costly litigation. Jenner & Block has extensive experience enforcing anti-SLAPP statutes to protect free speech and secure early dismissal of these lawsuits on behalf of major clients in high-profile matters. Our lawyers counsel clients on anti-SLAPP strategy from pre-litigation assessment through appellate proceedings, helping clients defend against defamation claims, privacy suits, and other actions that threaten constitutionally protected expression.

## **Communications Decency Act Section 230**

Section 230 of the Communications Decency Act provides immunity for online platforms, shielding providers of interactive computer services from liability for third-party content. Jenner & Block advises clients on Section 230's evolving nuances, helping clients navigate the three-part immunity test and understand how Section 230 applies to emerging technologies and evolving content moderation practices. As legislative and regulatory challenges to Section 230 intensify, our lawyers provide strategic guidance on risk management and litigation defense.

## **Content Moderation**

Jenner & Block litigates and advises clients on the full spectrum of content moderation issues, including Section 230 immunity, anti-SLAPP defenses, defamation exposure, First Amendment constraints, and compliance with emerging regulations such as the Digital Services Act (DSA) and Online Safety Act (OSA). We defend platforms and media companies against a growing wave of tort claims arising from content moderation decisions. Jenner & Block also counsels on AI-powered moderation tools, platform policies, trust and safety operations, and responses to government oversight regarding content decisions. As legislative scrutiny intensifies and new regulatory frameworks emerge globally, our lawyers provide strategic guidance that balances free expression principles, legal protections, business objectives, and evolving public expectations.

## Key Contacts



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