

“Reviewing The High Court's Approach To Free Speech Online,” *Law360*

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In an article for *Law360*, Partner Amy Gallegos and Associate Isabel Farhi analyze the US Supreme Court’s recent rulings concerning the intersection of the First Amendment and online platforms. They discuss the Court’s fact-specific approach in three cases that examine this intersection from different perspectives, evaluating laws regulating online platform content moderation, government communications with platforms about their content moderation, and government officials’ use of social media.

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“The court has thus far eschewed broad proclamations, choosing instead to adopt a nuanced approach that recognizes that private citizens, public employees and online platforms all have First Amendment rights, and that the interplay between these rights is largely fact dependent,” they write.

Looking ahead, the authors write that attention may turn to cases, like *Free Speech Coalition Inc. v. Paxton*, that focus on whether and how the state can restrict access to potentially harmful content on platforms.

“It will indicate if the court will continue a contextual approach when considering the First Amendment online, or if it will begin to paint with a broader brush,” they write.

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