

HB Media Minute - Episode 9: A Balancing of 'Incomparable Interests': The Pickering Test & First Amendment Rights of Government Employees

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PRACTICES Media Entertainment and Sports, Anti-SLAPP and First Amendment Rights, Litigation, Media and Entertainment Litigation

Today, we are going to explore legal issues surrounding a growing phenomenon in our society: offensive social media posts. We're going to discuss the issue in a particular context - the government workplace - and discuss when do public employees enjoy Free Speech rights to make comments that many would find offensive? Even if an employee's speech is protected by the First Amendment, can the employee still be fired or disciplined? There's a robust, evolving body of law that balances Free Speech rights with public employers' right to maintain workplace standards and efficient operations. We'll talk about the legal framework that courts have mapped and also look at a case involving a racist Facebook post by a Brooklyn court officer, which offers a recent, graphic example of how these issues can play out.

We're joined by Haynes Boone Partner [Laura Prather](#), who is the head of the firm's Media Law Practice Group, and Alicia Pitts, an associate in Haynes Boone's Litigation Practice.