

# SKILLS & VALUES: THE FIRST AMENDMENT

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# SKILLS & VALUES: THE FIRST AMENDMENT

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Second Edition

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MATTHEW  BENDER

# *PREFACE*

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This book allows you to experience the connection between theory, doctrine, and practice in First Amendment law. The exercises provide an opportunity for studying First Amendment concepts from the perspective of a practicing attorney who must not only know the law, but also employ lawyering skills and values — such as legal strategy, factual development, advocacy, counseling, drafting, problem solving, and ethical principles — in zealously representing a client.

Each chapter addresses a specific topic covered in most First Amendment law school courses. The chapters begin with an introduction that helps bridge the gap between the actual practice of law and the doctrine and theory you studied in class. You will then have an opportunity to engage in active, “hands on” learning by working through a stand-alone exercise that simulates a real-life legal dilemma. The exercises are as authentic as possible, incorporating materials such as legal pleadings, motions, correspondence, judicial opinions, statutes, discovery materials, and deposition excerpts. Each exercise explains your role, lists the tasks you are required to perform, details the practice skills needed, provides an estimated completion time, has a level of difficulty based on a scale of 1 to 5, and contains pertinent statutes or regulations. Some exercises also include practice tips that highlight important issues or litigation strategies a competent First Amendment lawyer would want to consider.

The book can be used in a number of different ways. Your professor might ask you to complete the tasks in each exercise and produce the assigned written documents for a grade or constructive feedback. Depending on the size and structure of the class, the book might alternatively be used for in-class exercises that you are instructed to complete individually or as part of a group. You can also use the book on your own to reinforce substantive lessons from class and hone important practice skills.

You may also want to use the LexisNexis Web Course that was created for this book, which contains forms to assist you in completing some of the exercises, audio and video files, links to some of the key cases, and other supplemental materials designed to increase your understanding of both doctrine and practice. We hope that you find both the book and the platform enjoyable and useful to your development of lawyering skills and values.

Charles W. “Rocky” Rhodes  
Houston, Texas

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