

Cahill's Amicus Brief Cited in SCOTUS Decision

Date: 06/18/18

On December 29, 2017, Cahill filed an amicus curiae brief in the Supreme Court of the United States on behalf of the Institute for Free Speech in *Lozman v. City of Riviera Beach*. Cahill's brief argued that the Supreme Court should adopt the Ninth and Tenth Circuit's approach and consider whether probable cause for the arrest existed as part of a holistic inquiry into whether the plaintiff's constitutionally protected speech was a substantial factor motivating the adverse action. The Supreme Court heard the oral argument in the case on February 27, 2018.

On June 18, 2018, the Supreme Court ruled 8-1 in favor of petitioner, holding that he did not need to prove the absence of probable cause to maintain his claim of retaliatory arrest in violation of his First Amendment rights. In its opinion, the Court cited to Cahill's brief, acknowledging its central argument that some police officers may exploit the arrest power as a means of suppressing speech.

Attorney

- Floyd Abrams