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Clerk of Supreme Court

5 *Counsel for Amici Curiae*

6
7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 DAPHNE WILLIAMS,

9 *Defendant-Appellant,*

10 vs.

11 CHARLES “RANDY” LAZER,

12 *Plaintiff-Respondent.*

Supreme Court No. 80350

Appeal from the
Eighth Judicial District Court
for Clark County, Nevada

District Court Case No.
A-19-797156-C

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14 **MOTION OF THE FIRST AMENDMENT LAWYERS ASSOCIATION**
15 **FOR LEAVE TO FILE *AMICI CURIAE* BRIEF IN SUPPORT OF**
16 **DEFENDANT-APPELLANT**
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1 Pursuant to Nevada Rule of Appellate Procedure 29, the First Amendment
2 Lawyers Association (“*amicus*”) respectfully moves for leave to file the attached
3 brief of *amici curiae* in support of Defendant-Appellant, urging review and reversal.
4 The proposed brief is filed conditionally with this motion.¹

5 **Statement of Interest**

6 The First Amendment Lawyers Association (“FALA”) is an Illinois-based,
7 not-for-profit organization comprised of over 100 attorneys that routinely represent
8 businesses and individuals engaged in constitutionally protected expression.
9 FALA’s members practice throughout the United States, Canada and Europe in
10 defense of free speech.

11 FALA is concerned about all forms of governmentally imposed censorship.
12 Use of the courts by private parties to suppress or deter the robust expression of
13 opinions is just as detrimental to a free exchange of opinions and information as are
14 censorial statutes and censorial executive actions. It is for that reason that FALA
15 submits this brief.

16 FALA members, as far back as 1957, *Alberts v. California*, 354 U.S. 476
17 (1957),² have briefed and argued dozens of landmark free-speech cases before the
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19 ¹ Counsel for Defendant-Appellant has consented to the filing of an
20 amicus brief by FALA. Quite remarkably, counsel for Plaintiff-Respondent
expressly refused to consent.

1 United States Supreme Court and literally thousands of cases before lower federal
2 courts and state appellate courts across the United States. Moreover, FALA
3 members have testified untold numbers of times in the United States Congress and
4 state legislatures concerning proposed legislation impacting free expression.
5 Additionally, FALA members regularly address audiences – lawyers, law students,
6 the press and the public – about issues impacting free speech, as well as publishing
7 many scholarly articles concerning free expression.

8 **Reasons Why an Amicus is Desirable**

9 Proposed Amicus seeks to demonstrate that the Court of Appeals acted in a
10 precedent-setting court, rather than as an error-correction court. The opinion of the
11 Court of Appeals is at odds with those across the country that have consistently held
12 that accusing someone of being a “racist” is a constitutionally protected statement
13 of opinion, rather than a provably false statement of fact.

14 Dated: January 4, 2021.

15 /s/ Clyde DeWitt

16 Clyde DeWitt

17 *Counsel for Amici Curiae*

18 *First Amendment Lawyers Association*

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20 ² Briefed and argued by the late Stanley Fleishman, the first president
21 and one of the founders of FALA.

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Dated: January 4, 2021.

Clyde DeWitt