

ERICA GOLDBERG
Professor of Law
Gonzaga University School of Law
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EDUCATION

STANFORD LAW SCHOOL, Stanford, CA, J.D., graduated with distinction, 2005

Stanford Journal of Law, Business & Finance, Editor

StreetLaw, Board Member

Kirkwood Moot Court, Board Member

TUFTS UNIVERSITY, Medford, MA, B.A., *summa cum laude* in Biology and English, 2002

Phi Beta Kappa

Editor-in-Chief, *Tufts Observer*

ACADEMIC POSITIONS

GONZAGA UNIVERSITY SCHOOL OF LAW

Fall 2024-present

Professor of Law

Teaches Torts I, First Amendment, and Criminal Procedure.

For the 2025-2026 academic year, I was also a non-resident fellow at the Bech-Loughlin Center at the University of Texas at Austin School of Law.

GEORGETOWN CENTER FOR THE CONSTITUTION, Washington, DC

Fall 2019

Visiting Scholar

UNIVERSITY OF DAYTON LAW SCHOOL, Dayton, OH

2017–2024

Professor of Law

Taught Con Law II/First Amendment, Torts I, Torts II, Criminal Procedure, and a seminar on current issues at the Supreme Court.

OHIO NORTHERN LAW SCHOOL, Ada, OH

2016–2017

Assistant Professor of Law

Taught Torts, Insurance, and a Speech Torts seminar. Won President's Award for teaching from the student body president.

HARVARD LAW SCHOOL, Cambridge, MA

2013–2016

Climenko Fellow and Lecturer on Law

Taught First-Year Legal Research and Writing in a combination of classroom lecture and one-on-one student conferences; taught Free Speech Torts (upper-level elective) in Spring 2016.

PENN STATE UNIVERSITY, THE DICKINSON SCHOOL OF LAW, State College, PA 2011–2013

Visiting Assistant Professor

Taught Civil Procedure, Criminal Procedure, and Law and Religion.

JUDICIAL CLERKSHIP

HON. RONALD GILMAN, Memphis, TN
U.S. Court of Appeals for the Sixth Circuit

2005–2006

PRACTICE EXPERIENCE

FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION, Philadelphia, PA 2009–2011
Justice Robert H. Jackson Legal Fellow

Wrote legal scholarship and handled cases concerning possible violations of students’ and professors’ constitutional rights for non-partisan, non-profit organization.

LATHAM & WATKINS LLP, Washington, D.C. 2006–2009
Associate, Appellate Group

Specialized in appellate litigation in federal courts: drafted briefs and assisted with oral argument for cases pending before courts of appeals; worked on merits briefs and petitions for certiorari in cases before the Supreme Court.

SELECTED PUBLICATIONS

Academic Freedom Undermined, 85 MD. L. REV. ONLINE (2026).

Defining and Balancing Equity, 24 NEV. L.J. 115 (2023).

First Amendment Contradictions and Pathologies in Discourse, 64 ARIZ. L. REV. 307 (2022).

Common Law Baselines and Current Free Speech Doctrine, 66 VILL. L. REV. 311 (2021).

Free Speech Values in the Classroom, in Speech Freedom on Campus: Past, Present and Future (Joseph Russomano ed., Lexington Books 2021).

First Amendment Cynicism and Redemption, 88 U. CIN. L. REV. 959 (2019).

“*Good Orthodoxy*” and the Legacy of Barnette, 13 FIU L. REV. 639 (2019) (symposium issue).

Competing Free Speech Values in an Age of Protest, 39 CARDOZO L. REV. 2163 (2018).

Free Speech Consequentialism, 116 COLUM. L. REV. 687 (2016).

Emotional Duties, 47 CONN. L. REV. 809 (2015).

Getting Beyond Intuition in the Probable Cause Inquiry, 17 LEWIS & CLARK L. REV. 789 (2013).

Commentary, *How United States v. Jones Can Restore Our Faith in the Fourth Amendment*, 110 MICH. LAW. REV. FIRST IMPRESSIONS 62 (2012).

BAR ADMISSIONS

New York (2006); District of Columbia (2007)

Other Memberships

The Advisory Council for the Foundation for Individual Rights in Education

CONFERENCES AND MEDIA APPEARANCES

What the blocked CA law requiring ICE to wear ID means for WA, Fox 13 Seattle (Apr. 23, 2026), <https://www.youtube.com/watch?v=HJvHYiv78MY>.

Eliza Bilingham, Is Washington's new law requiring clergy to report child sexual abuse effective and constitutional?, Inlander (May 29, 2025), <https://www.inlander.com/news/is-washingtons-new-law-requiring-clergy-to-report-child-sexual-abuse-effective-and-constitutional-29910106>.

Legal experts weigh in on a woman's forced removal from an Idaho town hall, KXLY 920 NEWS NOW (Feb. 26, 2025), https://www.kxly.com/news/legal-experts-weigh-in-on-womans-forced-removal-from-idaho-town-hall/article_f6de4016-f4b1-11ef-837a-8b5076347167.html.

Legal expert talks scrutiny, free speech issues surrounding Coeur D'Alene town hall removal, KGW8 (Feb. 25, 2025), <https://www.krem.com/article/news/local/kootenai-county/more-to-every-story-first-amendment-rights-coeur-dalene-town-hall-incident/293-966d92a9-2e2d-407e-a880-6e4ba7165827>, <https://www.kgw.com/article/news/local/more-to-every-story-first-amendment-rights-coeur-dalene-town-hall-incident/293-966d92a9-2e2d-407e-a880-6e4ba7165827>

Who gave Trump the power to do that, THE SPOKESMAN-REVIEW (Feb. 3, 2025).

Panelist at Stanford Law Review Symposium on "Speech at Twenty-First Century Schools and Universities" (Feb. 2024).

Free Speech Used to be Honored by Both Left and Right – Now Shouting Down Opponents and Banning Disliked Speech is a Bipartisan Cause, THE CONVERSATION (May 4, 2023), <https://theconversation.com/free-speech-used-to-be-honored-by-both-left-and-right-now-shouting-down-opponents-and-banning-disliked-speech-is-a-bipartisan-cause-203026>.

Oberlin College Ordered to Pay Bakery \$36 Million, Spectrum News, September 12, 2022, <https://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL21lZGhhY2VudGVyLnR2ZXllcy5jb20vZG93bmhvYWRnYXRld2F5LmFzcHg%2FVXNlcklEPTE4MDg3NyZNRElEPTE3OTczODAwJk1EU2VIZD04MTYzJIR5cGU9TWVkaWE%3D>

When Are Book Bans Unconstitutional? A First Amendment Scholar Explains, THE CONVERSATION (April 13, 2022), <https://theconversation.com/when-are-book-bans-unconstitutional-a-first-amendment-scholar-explains-176225>.

Law Students Shout Down Controversial Speakers, INSIDE HIGHER ED, Mar. 23, 2022, <HTTPS://WWW.INSIDEHIGHERED.COM/NEWS/2022/03/23/LAW-STUDENT-PROTESTS-STIFLE-SPEAKERS-YALE-UC-HASTINGS>

Trump Walks Legal Tightrope as Investigations of Former President Intensify, NEWSWEEK, Feb. 11, 2022, <HTTPS://WWW.NEWSWEEK.COM/TRUMP-WALKS-LEGAL-TIGHTROPE-INVESTIGATIONS-FORMER-PRESIDENT-INTENSIFY-1678363>.

The First Amendment Will Likely Protect the Anonymity of Redditors who Discussed Gamestop Stock, THE CONVERSATION (Feb. 5, 2021), <https://theconversation.com/the-first-amendment-will-likely-protect-the-anonymity-of-redditors-who-discussed-gamestop-stock-154448>.

Presented on the intersection of free speech and freedom of religion for a Law and Religion panel at the Association of American Law Schools 2019 Annual Meeting.

Presented *Good Orthodoxy and the Legacy of Barnette* at a symposium on the 75th anniversary of *West Virginia v. Barnette*.

Presented *Competing Free Speech Values in an Age of Protest* at the Ninth Annual Loyola Constitutional Law Colloquium at Loyola University School of Law (November 2017).

YouTube Policy Shift, AL JAZEERA ENGLISH (June 6, 2019).

Daniel McGraw, *Trial Between Oberlin College and a Local Bakery Tackles First Amendment Questions*, ABA JOURNAL (May 2, 2019).

Ethan Fitzgerald, WDTN-TV Interview, Facebook Bans White Nationalist Content (March 29, 2019).

Erica Goldberg, *Column: We Must Restore Legitimacy to the Supreme Court*, Columbus Dispatch (Oct. 31, 2018), <https://www.dispatch.com/opinion/20181031/column-we-must-restore-legitimacy-to-us-supreme-court>.

Harry Bruinius, *3D Plastic Guns: How the Script Has Flipped on the First Amendment*, CHRISTIAN SCIENCE MONITOR (Aug. 1, 2018), also carried on YAHOO NEWS.

NPR Phoenix, Steve Goldstein, *Law Professor Discusses Judge's Mannerisms In Nassar Trial* (Jan. 26 2017), at <http://kjzz.org/content/598599/law-professor-discusses-judges-mannerisms-nassar-trial>.

BBC Trending Podcast (June 9, 2017) (discussing revocation of Harvard acceptances for students who participated in a private online chat group), at <http://www.bbc.co.uk/programmes/p054nlcy>.

Bill Donahue, Offensive Trademark Ban Going Down; It Probably Should, LAW360 (Sept. 29, 2016).

Bill Donahue, 'Prince Law' Raises Free Speech Red Flags, Critics Say, LAW360 (May 11, 2016).

Eric Levenson, Could Single-Sex Final Clubs Sue Harvard Over New Restrictions?, BOSTON.COM (May 11, 2016).

Bill Donahue, In Not Tackling Madden, High Court Punts on Publicity Rights, LAW360 (March 22, 2016).

POPULAR WRITING

In a Crowded Theater (personal blog, which has been cited in The Washington Post, CNN.com, and Philly.com).

PrawfsBlawg (guest blogged for the Symposium on the 2018 Supreme Court Term).