



Client Alert

August 26, 2011

Court Enjoins Missouri's New "Facebook" Law Citing "Staggering" Breadth of Prohibition on Free Speech

Earlier today, the Hon. Jon E. Beetem, Circuit Court Judge, Cole County Missouri, issued a preliminary injunction temporarily halting the enforcement of Missouri's new "Facebook" law. Describing the law as an overbroad prohibition of free speech, the Court's ruling demonstrates the difficulty of regulating social media.

Senate Bill 54, which was scheduled to become law on Sunday, prohibits teachers from using any non work related website that allowed exclusive access with a current or former student.

In blocking enforcement of the law, the Court said the "breadth of the prohibition is staggering." It noted that social media is "often the primary, if not sole manner, of communications between the Plaintiffs and their students." The Court further noted that the statute would "prohibit all teachers from using any non-work-related social networking sites" thus blocking communication between teacher parents and their own children.

"The Court finds that the statute would have a chilling effect on speech," the ruling said.

Whether you agree or disagree with the law, the Court's holding is an indication that those hoping to control or regulate the use of social media will face some difficulties. This law is directed only towards the teacher/student relationship, but its seemingly narrow focus has far-reaching effects and is not an acceptable "time, place and manner" restriction on speech in this Court's eyes. Those who seek to control or regulate the use of social media are confronted with a difficult task in determining what restrictions will be acceptable. Members of our Social Media practice group are closely following developments in statutory and case law so that they can assist you and your employees in navigating the legal pitfalls associated with the use of these popular websites.

For further information, please contact one of the following members of Armstrong Teasdale's Social Media group:

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