

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER _____ DIVISION “ _____ ”

PROFESSOR KEN M. LEVY

VERSUS

BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND
A&M COLLEGE

PETITION FOR TEMPORARY RESTRAINING ORDER AND INJUNCTIVE RELIEF

The Petition of Professor Ken M. Levy, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, respectfully represents:

1.

Made defendant herein is Petitioner’s employer, Board of Supervisors of Louisiana State University and A&M College, a body politic domiciled in East Baton Rouge Parish, Louisiana (hereinafter “LSU”).

2.

In June, 2009, Petitioner began employment with LSU at the Paul M. Hebert School of Law. In January, 2012, Petitioner was promoted from Assistant Professor of Law to Associate Professor and received tenure in May, 2015. In August, 2017, Petitioner was promoted to full Professor of Law. Petitioner enjoyed excellent evaluations and as provided under LSU PS-36-T. Petitioner taught Advanced Criminal Law, Criminal Law, International Criminal Law, Torts, and White Collar Criminal law. Most recently, Petitioner volunteered to teach Administration of Criminal Justice in the spring of 2025. This course involves detailed examination of the United States Constitution and its Amendments and the Louisiana Constitution. Petitioner promotes critical thinking and robust debate, always tempered with humor, in order to encourage LSU law students to consider divergent opinions and varying interpretations of the laws and become good lawyers upon graduation. The first day of class was January 14, 2025, and Petitioner’s section contained eighty-two (82) law students.

3.

At the start of class, Petitioner reminded the students of his policy that recording of his class is not permitted. He thereafter began the class with a discussion of a recent First Amendment issue which had occurred last semester involving one of hi colleagues at the law school receiving criticism from Governor Landry. Recounting the situation as an example of First

Amendment speech, Petitioner explained he added a no recording rule because he did not want to be Governor Landry's next target – although that is ironically what happened. LSU Law Professor Bryner had been attacked by Governor Landry on social media for comments Professor Bryner had made during his class about the impact the election will likely have on the law. In response, Governor Landry threatened Professor Bryner on social media: “[T]his is not the kind of behavior we want @LSU and our universities.” It is also submitted, upon information and belief, that Governor Landry demanded LSU discipline Professor Bryner for his speech.

In the context of the Bryner First Amendment issue, Professor Levy made clear he stands for the First Amendment and that is if someone wanted to “turn him in” to Governor Landry, he joked that his colleague, who suffered the ire of Governor Landry, had become national news. He stated, basically, that maybe they should forward his material to the Governor. If Governor Landry were to retaliate against him, then “f*** the Governor” and “f***” that – all of which was a joke and clearly said in a joking manner to highlight his no recording policy in class. Many students laughed, as they did throughout the class at Professor Levy's other jokes.

As the class progressed, Petitioner expressed the seriousness and importance of the issues to be studied and debated in the class, particularly as regards the rights of individuals when interacting with the police. Professor Levy explained he was seriously concerned that our current, robust constitutional rights in the Fourth, Fifth, and Sixth Amendments might be significantly weakened or even eradicated in the next Trump administration and by the current Supreme Court. In so doing, Petitioner added that the casebook is full of United States Supreme Court decisions and, therefore, unless reversed at a later time, the class was about to learn the law of the land. Petitioner added the current state of the law is very much in flux and is rapidly changing due to changing dynamics within the Courts and with the new Trump administration. In his classroom discussion, Petitioner advised, tha he is a democrat but understands there are divergent opinions which impact the current state of the law but gave his rather colorful opinion as to the outcome of the presidential election. He then commented, “[F] those of you who like him (Trump), **you can**” and that he does not pay attention to “what Trump is doing.” His focus, instead, is on the course material and the state of the law as it is evolving - the subject matter of his class.

4.

Class continued throughout the period with further discussion of what to expect in the course and its content.

5.

Upon information and belief and therefore Petitioner alleges, one student complained to the Governor and, in turn, calls were made to LSU Administration.

6.

Petitioner taught his ACJ class on January 16, 2025, as usual.

7.

On the morning of January 15, 2025, Dean Allen emailed Professor Levy with a request to meet with her on January 16, 2025. Professor Levy and Dean Allen met on January 16, 2025, at approximately 11:45 a.m. Dean Allen told Professor Levy that an unidentified student in his ACJ class had made several allegations, the “most serious” of which were that Professor Levy had said “f*** Landry” and “f*** Trump”. Professor Levy addressed the allegations with Dean Allen. Both concluded the approximately fifteen (15) minute meeting with an agreement that Professor Levy not only could continue to “speak his mind” but should continue to “speak his mind” about important and controversial issues.

8.

On the afternoon of January 17, 2025, Dean Allen called Professor Levy and told him LSU Human Resources wanted to meet with him the following day, Saturday, January 18, 2025, at noon. Professor Levy called Dean Allen later and asked for a postponement of the meeting until he could find legal representation. Professor Levy’s call to Dean Allen was not immediately returned, so he sent her an email with the same request the following morning. On Saturday, January 18, 2025, en route to attend the meeting despite the fact he had requested a continuance in order to have representation, he received the attached letter from Lindsey Madatic, Director LSU Employee Relations. After receipt of the letter and fifteen (15) minutes after the January 18, 2025, HR meeting was to occur, Professor Levy received an email from Dean Allen in which she wrote, “Ken, I conveyed your concern and request, and I believe HR will reach out to you directly. AMA”

9.

On January 17, 2025, Petitioner was “relieved of [his] teaching responsibilities, effective immediately, pending an investigation into student complaints of inappropriate statements made in your class during the first week of the Spring Semester 2025. . .” Said January 17, 2025 [ed note: defendant dated its letter “January 17, 2024”, but it is assumed defendant meant “2025”]

directive was issued by Ms. Lindsey Madatic, Director, Employee Relations.

10.

Petitioner, a full, tenured professor, received no prior notice or opportunity to respond prior to imposition of discipline. Petitioner shows under defendant's Rules and Policies, Ms. Madatic does not possess the authority to take tangible employment action against Petitioner. See LSU Permanent Memorandum 69, Permanent Memorandum 20, Bylaws of the LSU Board of Supervisors, Articles VII, IX, and X, LSU PS-36-T.

11.

Petitioner was removed from teaching because, and in blatant violation, of his exercise of his rights to academic freedom and free speech guaranteed to him under the United States and Louisiana Constitutions.

12.

At all times, Petitioner, a tenured member of the faculty of LSU at the LSU Law Center enjoyed a clearly established right to his public employment, a right that may not be infringed absent compliance with due process as provided for under the United States and Louisiana Constitutions.

13.

Petitioner shows that actions of defendant have violated his clearly established substantive and procedural rights and, unless restrained, Petitioner's substantive and procedural rights will continue to be violated.

14.

La. C.C.P. Art. 3601, *et seq.* provides for the issuance of a temporary restraining order where, as here, irreparable injury, loss, or damage may, and will in this case, result to Petitioner. Petitioner shows issuance of a temporary restraining order, and, in due course, injunctive relief will not compel the expenditure of state funds or expenditure of funds having the effect of creating a deficit.

15.

Attached hereto and made part hereof is the Affidavit of Petitioner attesting to the facts and immediate and irreparable injury, loss, and damage pursuant to La. C.C.P. Art. 3603. Attached hereto and made part hereof is the Verification of Petitioner.

16.

Petitioner shows that immediate and irreparable injury, loss, and damage will result before the adverse party can be heard in opposition. Specifically, Petitioner was unilaterally removed from his teaching duties, despite the fact he is a tenured full professor, in violation of his rights to academic freedom, free speech, and without substantive or procedural due process. Petitioner shows punishment on account of assertion of academic freedom and free speech is utterly abhorrent to the Louisiana and United States Constitution and chills the rights of academic freedom and free speech of Petitioner and others within the academic ranks at LSU in addition to the law students attending LSU, and the community at large, removes Petitioner from any ability to continue his vital research, removes Petitioner from any ability to serve as an expert in his field, directly impacts Petitioner's ability to obtain any replacement employment, unquestionably and directly impacts Petitioner's reputation and standing as a well-known, recognized expert on constitutional rights and law, has a chilling effect on academic freedoms, and defendant LSU's actions serves to chill and restrict Petitioner's free speech rights and the rights of others similarly situated to him, including the right to criticize, to opinion, to question, and promote open debate and consideration of the ideas and opinions of others, and irreparably harms his reputation, including both his personal and professional reputation.

17.

Petitioner is entitled to and desires the issuance of a temporary restraining order and, in due course, a preliminary and thereafter a permanent injunction, directed to the defendant, Board of Supervisors of Louisiana State University and A&M College, ordering the immediate reinstatement of Petitioner to his position and teaching responsibilities, prohibiting said defendant from interfering with Petitioner's employment, suspending Petitioner, or taking any tangible employment action against Petitioner on account of his expressions afforded protection under the Constitutions of Louisiana and of the United States and, further enjoining this defendant, its agents, employees, and assigns from infringing upon Petitioner's rights under the United States and Louisiana Constitution, specifically, his rights to free speech and due process of laws, from further harassing or retaliating against Petitioner on account of his protected academic freedom and free speech.

18.

Attached hereto and made part hereof is the certification by counsel as to the efforts made

by undersigned counsel to contact the adverse party, defendant LSU.

19.

Attached hereto and made part hereof is Petitioner's Memorandum in Support of Motion for Injunctive Relief.

WHEREFORE, Petitioner, Professor Ken M. Levy, prays after due proceedings are had that a temporary restraining order and, in due course, a preliminary and thereafter permanent injunction directed to the defendant, Board of Supervisors of Louisiana State University and A&M College, ordering the immediate reinstatement of Petitioner to his position and teaching responsibilities, prohibiting said defendant from interfering with Petitioner's employment, suspending Petitioner, or taking any tangible employment action against Petitioner on account of his expressions afforded protection under the Constitutions of Louisiana and of the United States and, further enjoining this defendant, its agents, employees, and assigns from infringing upon Petitioner's rights under the United States and Louisiana Constitution, specifically, his rights to free speech and due process of laws, from further harassing or retaliating against Petitioner on account of his protected academic freedom and free speech.

Respectfully submitted,

By: _____

Jill L. Craft, F.A., #20922

W. Brett Conrad, Jr.

329 Saint Ferdinand Street

Baton Rouge, Louisiana 70802

(225) 663-2612

Fax: (225) 663-2613

jcraft@craftlaw.net; bconrad@craftlaw.net

PLEASE SERVE:

Board of Supervisors of Louisiana State University and A&M College,
Through its Secretary and Chair
104B University Administration Building
3810 West Lakeshore Drive
Baton Rouge, Louisiana 70808

Louisiana Office of Risk Management/Division of Administration
1201 North 3rd Street
Baton Rouge, Louisiana 70802

Louisiana Attorney General
Honorable Liz Murrill
1885 North 3rd Street
Baton Rouge, Louisiana 70802

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER _____ DIVISION “ ____ ”

PROFESSOR KEN M. LEVY

VERSUS

BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND
A&M COLLEGE

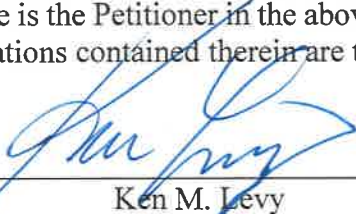
VERIFICATION

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared

Professor Ken M. Levy

a resident of the full age of majority of East Baton Rouge Parish, Louisiana, who upon being duly sworn did depose and state that he is the Petitioner in the above and foregoing Petition, that he has read same and all facts and allegations contained therein are true and correct.



Ken M. Levy

SWORN TO AND SUBSCRIBED before me, Notary Public, this 28 day of January, 2025.

Notary Public



19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER _____ DIVISION “ _____ ”

PROFESSOR KEN M. LEVY

VERSUS

BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND
A&M COLLEGE

AFFIDAVIT OF IRREPARABLE HARM

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

Professor Ken M. Levy

a resident of the full age of majority of East Baton Rouge Parish, Louisiana, who upon being duly sworn did depose and state that:

-In June, 2009, I began employment with LSU at the Paul M. Hebert School of Law. In January, 2012, I was promoted from Assistant Professor of Law to Associate Professor and received tenure in May, 2015. Thereafter in August, 2017, I was promoted to full Professor of Law. Over the past sixteen (16) years, I have taught Advanced Criminal Law, Criminal Law, International Criminal Law, Torts, and White Collar Criminal law. I am a nationally renowned expert in constitutional law, criminal law, and metaphysics. Attached hereto and made part hereof is my Curriculum Vitae.

-Throughout my employment with LSU and the Law Center, I have received excellent evaluations from both my students and law school deans. My tenure has not been revoked nor have I previously received any warnings, reprimands, or employment-related cautions of any kind.

-Most recently in , I volunteered to teach Administration of Criminal Justice in the spring of 2025. This course covers citizens' constitutional rights in the Fourth, Fifth, and Sixth Amendment to the United States Constitution. In my classes, I promote critical thinking and robust debate, tempered with frequent humor, in order to encourage LSU law students to consider divergent opinions and varying interpretations of the laws and become good lawyers upon graduation. I conduct both informative and interesting lectures, discussions and debates, often using humor and expressing kindness and concern for my students.. I insist that my students always provide reasons or arguments for their conclusions, open their minds to alternative conclusions and perspectives, and maintain a sense of humility and curiosity throughout the process. More important than learning

the “black-letter law”, I frequently remind my students, is the ability to figure out where the “gaps” and ambiguities are in the law and how to navigate them, skills which I believe every good attorney must develop. This is my teaching pedagogy and the manner in which I impart knowledge and wisdom to the future legal profession. I approach teaching from my own light-hearted personality because I believe that the serious, often dark nature of the material I teach “goes down” a little more easily with frequent doses of humor.

-The first day of class was January 14, 2025, and my section contained eighty-two (82) law students.

-During class, I reminded the students of my policy that recording of my class is not permitted. I had a discussion of a recent First Amendment issue which had occurred last semester involving one of my colleagues at the law school received criticism from Governor Landry. Recounting the situation as an example of First Amendment speech, I explained that I added a no-recording rule because I did not want to be Governor Landry’s next target – although that is ironically what happened. LSU Law Professor Bryner had been attacked by Governor Landry on social media for comments Professor Bryner had made during his class about the impact the election will likely have on the law. In response, Governor Landry threatened Professor Bryner on social media: “[T]his is not the kind of behavior we want @LSU and our universities.” It is also submitted, upon information and belief, Governor Landry demanded LSU discipline Professor Bryner for his speech.

-In the context of the Bryner First Amendment issue, I made clear I stand for the First Amendment and that is if someone wanted to “turn me in” to Governor Landry, I joked that my colleague, who suffered the ire of Governor Landry had become national news. I stated, forward my material to the Governor. If Governor Landry were to retaliate against me, then “f*** the Governor” and “f***” that – all of which was a joke and clearly said in a joking manner to highlight my no recording policy in class and the First Amendment.

-As the class progressed, I expressed the seriousness and importance of the issues to be studied and debated in the class, particularly as regards the rights of individuals when interacting with the police. I explained I was seriously concerned that our current, robust constitutional rights in the Fourth, Fifth, and Sixth Amendments might be significantly weakened or even eradicated in the next Trump administration and by the current Supreme Court. In so doing, I added that the casebook is full of United States Supreme Court decisions and, therefore, unless reversed at a later

time, the class was about to learn the law of the land. I added the current state of the law is very much in flux and is rapidly changing due to changing dynamics within the Courts and with the new Trump administration. In my classroom discussion, I advised that I am a democrat but understand there are divergent opinions which impact the current state of the law but gave my rather colorful opinion as to the outcome of the presidential election. I then commented, “[F]or those of you who like him (Trump), you can” and that I do not pay attention to “what Trump is doing.” My focus, instead, is on the course material and the state of the law as it is evolving - the subject matter of my class. What I communicated to the students was neither my political opinion or that of the students matter in this course. All that matters is what the courts say the law is – like it or not.

-I was advised one student complained to the Governor and, in turn, calls were made to LSU Administration. These individuals included LSU President Tate, Provost Roy Haggerty, Chair of the LSU Board of Supervisors John “Scott” Ballard, and LSU Law School Dean Alena Allen. A recording and transcript of my class are in LSU’s possession.

-On the morning of January 15, 2025, Dean Allen emailed me with a request to meet with her on January 16, 2025. I met with Dean Allen on January 16, 2025, at approximately 11:45 a.m. Dean Allen told me an unidentified student in my ACJ class had made several allegations, the “most serious” of which were that I had said “f*** Landry” and “f*** Trump”. I addressed the allegations with Dean Allen. We concluded the approximately fifteen (15) minute meeting with an agreement that I not only could continue to “speak my mind” but should continue to “speak my mind” about important and controversial issues.

-On the afternoon of January 17, 2025, Dean Allen called me and told me LSU Human Resources wanted to meet with me the following day, Saturday, January 18, 2025, at noon. I called Dean Allen later and asked for a postponement of the meeting until I could find legal representation. My call to Dean Allen was not immediately returned and I then sent her an email the following morning with the same request. The next day, on Saturday, January 18, 2025, en route to attend the meeting despite the fact I had requested a continuance in order to have representation, I received the attached letter from Lindsey Madatic, Director, LSU Employee Relations. After receipt of the letter and fifteen (15) minutes after the January 18, 2025, HR meeting was to occur, I received an email from Dean Allen in which she wrote, “Ken, I conveyed your concern and request, and I believe HR will reach out to you directly. AMA”

-According to the Madatic letter, I was “relieved of [his] teaching responsibilities, effective immediately, pending an investigation into student complaints of inappropriate statements made in your class during the first week of the Spring Semester 2025. . .” Defendant dated its letter “January 17, 2024”, but it is assumed defendant meant “2025”. I, a full, tenured professor received no notice or opportunity to respond prior to imposition of discipline. Under defendant’s Rules and Policies, Ms. Madatic does not possess the authority to take employment action against me. See LSU Permanent Memorandum 69, Permanent Memorandum 20, Bylaws of the LSU Board of Supervisors, Articles VII, IX, and X, LSU PS-36-T.

-My rights under the First Amendment to the United States Constitution and La. Const. Art. I, §7 were violated and continue to be violated each day I am out of class and removed from teaching.

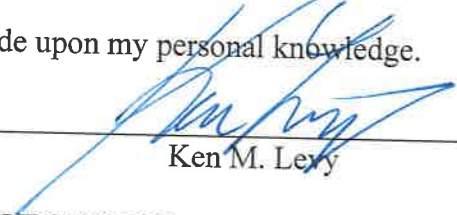
-LSU, which did not provide me any prior notice or opportunity to respond prior to being punished for the content of my speech, violated my procedural and substantive due process rights under the Fourteenth Amendment to the United States Constitution and La. Const. Art. I, §2. I possess a constitutionally protected property right in my public, tenured employment and liberty interest in my good name and reputation.

-If LSU is not restrained, I will suffer immediate, irreparable loss, injury and damage. Specifically, I have been removed from my duties teaching because I made comments which were considered critical of Louisiana Governor Landry and President Trump, which I have every right to do and which is part of the exercise of my academic freedom. I was unilaterally removed from my teaching duties, despite the fact I am a tenured full professor, in violation of my rights to academic freedom, free speech, and without substantive or procedural due process. I have been punished on account of my assertion of academic freedom and free speech which is utterly abhorrent to the Louisiana and United States Constitution and chills the rights of academic freedom and free speech of myself and others within the academic ranks at LSU in addition to the law students attending LSU, and the community at large, removes me from any ability to continue my vital research, removes me from any ability to serve as an expert in my field, directly impacts my ability to obtain any replacement employment, unquestionably and directly impacts my reputation and standing as a well-known, recognized expert on constitutional rights and law, has a chilling effect on academic freedoms, and defendant LSU’s actions serves to chill and restrict my free speech rights and the rights of others similarly situated to me including the right to criticize, to opine, to question, and

promote open debate and consideration of the ideas and opinions of others, and irreparably harms my reputation, including both my personal and professional reputation.

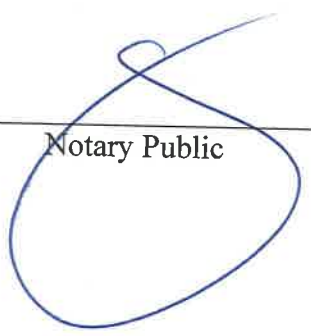
-I am entitled to and seek a Temporary Restraining Order and, in due course, preliminary and permanent injunctive relief as I have already suffered immediate and irreparable harm as set forth herein and will continue to suffer immediate and irreparable harm.

-This Affidavit is made upon my personal knowledge.



Ken M. Leroy

SWORN TO AND SUBSCRIBED before me, Notary Public, this 28 day of January, 2025.

Notary Public


DR. KEN M. LEVY
HOLT B. HARRISON DISTINGUISHED PROFESSOR OF LAW
PAUL M. HEBERT LAW CENTER
1 E. CAMPUS DRIVE
LOUISIANA STATE UNIVERSITY
BATON ROUGE, LA 70803-0106
KLEVY@LSU.EDU

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW

J.D., May 2002

Honors: Harlan Fiske Stone Scholar

New York, NY

RUTGERS UNIVERSITY

Ph.D. in Philosophy, October 1999

Honors: Excellence Fellowship

Dissertation: FREE WILL HUNTING (under Colin McGinn)

New Brunswick, NJ

WILLIAMS COLLEGE

B.A., *magna cum laude*, Philosophy, June 1991

Honors: Phi Beta Kappa

Dean's List, all semesters

Recipient of Arthur B. Graves Essay Prize in Philosophy

Senior Thesis: THE MYSTERY OF THE CAUSAL CONNECTION

Williamstown, MA

BOOK

Free Will, Responsibility, and Crime: An Introduction (Routledge, 2020)

ARTICLES

The First Amendment in Education: May Public Schools Discipline Faculty for Political Hate Speech?, 33

WM. & MARY BILL RTS. J. 169-207 (Oct. 2024)

Let's Not Do Responsibility Skepticism, 40 J. APPLIED PHIL. 458-73 (July 2023)

On Three Arguments Against Metaphysical Libertarianism, 76 REVIEW OF METAPHYSICS 725-48 (June 2023)

Criminal Responsibility, in A COMPANION TO FREE WILL, eds. Joseph Campbell, Kristin M. Mickelson, and V. Alan White, 406-13 (Wiley Blackwell, 2023)

Normative Ignorance: A Critical Connection Between the Insanity and Mistake of Law Defenses, 47 FLA. ST. U. L. REV. 411-43 (2020)

Criminal Responsibility, in SAGE ENCYCLOPEDIA OF CRIMINAL PSYCHOLOGY, ed. Robert D. Morgan, 269-72 (2019)

Why the Late Justice Scalia Was Wrong: The Fallacies of Constitutional Textualism, 21 LEWIS & CLARK L. REV. 45-96 (2017)

Blocking Blockage, 44 PHILOSOPHIA 565-82 (2016)

Trying to Make Sense of Criminal Attempts, 7 JURISPRUDENCE 656-64 (2016)

Mental Illness, Dangerousness, and Involuntary Civil Commitment, co-authored with Alex Cohen, in PHILOSOPHY AND PSYCHIATRY: PROBLEMS, INTERSECTIONS AND NEW PERSPECTIVES, eds. Gary Gala & Daniel D. Moseley, 147-60 (Routledge, 2016)

Does Situationism Excuse? The Implications of Situationism for Moral Responsibility and Criminal Responsibility, 68 ARK. L. REV. 731-87 (2015)

- It's Not Too Difficult: A Plea to Resurrect the Impossibility Defense*, 45 N.M. L. REV. 225-74 (2014)
- Why Retributivism Needs Consequentialism: The Rightful Place of Revenge in the Criminal Justice System*, 66 RUTGERS L. REV. 629-84 (2014)
- Dangerous Psychopaths: Criminally Responsible But Not Morally Responsible, Subject to Criminal Punishment And to Preventive Detention*, 48 SAN DIEGO L. REV. 1299-1395 (2011) (invited symposium article)
- Insanity Defenses*, co-authored with Walter Sinnott-Armstrong, in OXFORD HANDBOOK ON THE PHILOSOPHY OF THE CRIMINAL LAW, eds. John Deigh & David Dolinko, 299-334 (Oxford Univ. Press, 2011)
- Killing, Letting Die, and the Case for Mildly Punishing Bad Samaritanism*, 44 GEORGIA L. REV. 607-95 (2010) (lead article)
- On the Rationalist Solution to Gregory Kavka's Toxin Puzzle*, 90 PACIFIC PHIL. Q. 267-89 (2009)
- The Solution to the Surprise Exam Paradox*, 47 SOUTHERN J. PHIL. 131-58 (2009)
- Reply to Bernard Harcourt's "Post-Modern Meditations on Punishment": Punishment Must Be Justified Or Not at All*, in CRIMINAL LAW CONVERSATIONS, eds. Paul Robinson, Kimberly Ferzan, and Stephen Garvey (Oxford Univ. Press, 2009)
- The Solution to the Real Blackmail Paradox: The Common Link Between Blackmail and Other Criminal Threats*, 39 CONN. L. REV. 1051-96 (2007)
- Gonzales v. Oregon and Physician-Assisted Suicide: Ethical and Policy Issues*, 42 TULSA L. REV. 699-729 (2007) (invited symposium article)
- Baumann on the Monty Hall Problem and Single-Case Probabilities*, 158 SYNTHESIS 139-51 (Sept. 2007).
- The Solution to the Problem of Outcome Luck: Why Harm Is Just as Punishable as the Wrongful Action that Causes It*, 24 L. & PHIL. 263-303 (2005)
- Is Descartes a Temporal Atomist?* 13 BRITISH JOURNAL FOR THE HISTORY OF PHILOSOPHY 627-74 (2005).
- Why It Is Sometimes Fair to Blame Agents for Unavoidable Actions and Omissions*, 42 AM. PHIL. Q. 93-104 (2005)
- The Main Problem with USC Libertarianism*, 105 PHIL. STUDS. 107-27 (2001)
- Hume, the New Hume, and Causal Connections*, 26 HUME STUDS. 41-75 (2000)

LETTERS, OP-EDS, AND SHORT ESSAYS

- States are using anti-terrorism laws against protesters*, CHICAGO TRIBUNE (April 17, 2023), co-authored with Prof. Beth Gazley, <https://www.chicagotribune.com/opinion/commentary/ct-opinion-anti-terrorism-laws-protesters-atlanta-cop-city-20230417-tmg2nkzm5fbzvbi4uqcve6aol4-story.html>
- Sophistry at the Supreme Court*, THE HILL (May 6, 2022), co-authored with Prof. Jody L. Madeira, <https://thehill.com/opinion/judiciary/3479023-sophistry-at-the-supreme-court/>
- Prosecutors can abuse discretion to seek charges. We propose some fixes*, CHICAGO TRIBUNE (April 6, 2022), co-authored with Prof. Zachary D. Kaufman, <https://www.chicagotribune.com/opinion/commentary/ct-opinion-passive-prosecutors-criminal-justice-20220406-wwplg6b2prelhathxrrt5oynwa-story.html>
- Republicans Are the Worst*, THE BAYOU PROGRESSIVE (Feb. 11, 2022), <https://bayouprogressive.com/2022/02/republicans-are-the-worst/>
- How to Combat Trumpism (Even After Trump Is Gone)*, COMMON DREAMS (Nov. 13, 2020), co-authored with Jen Senko, <https://www.commondreams.org/views/2020/11/13/how-combat-trumpism-even-after-trump-gone>
- Three theories on government explain what to expect until Nov. 3*, THE HILL (Oct. 6, 2020), <https://thehill.com/opinion/campaign/519129-three-theories-on-government-explain-what-to-expect-until-nov-3>
- Is Trump Responsible for His Bad Behavior?*, COUNTERPUNCH (July 24, 2020), <https://www.counterpunch.org/2020/07/24/is-donald-trump-responsible-for-his-bad-behavior/>

Letter: Challenge to free speech, college admissions in LSU controversy, THE ADVOCATE (June 11, 2020), https://www.theadvocate.com/baton_rouge/opinion/letters/article_dfe28048-ab46-11ea-8a49-0bd8b0ffd923.html

Sorry, Republican Senators: Alan Dershowitz's Theory of Impeachment Is Total Bullshit, COMMON DREAMS (Feb. 4, 2020), <https://www.commondreams.org/views/2020/02/04/sorry-republican-senators-alan-dershowitzs-theory-impeachment-total-bullshit>

Despite posturing U.S. Sen. John Kennedy gives thumbs-up to dubious Trump judicial nominees, THE ADVOCATE (Dec. 30, 2019), https://www.theadvocate.com/baton_rouge/opinion/article_bf3637fa-1c5c-11ea-bbde-731078ccbc04.html

The McConnell Rule: Nasty, Brutish, and Unconstitutional, COUNTERPUNCH (July 13, 2018), <https://www.counterpunch.org/2018/07/13/the-mcconnell-rule-nasty-brutish-and-unconstitutional/>

The 'McConnell Rule' is law, and Senate Democrats should sue to enforce it, THE HILL (July 8, 2018) <http://thehill.com/opinion/judiciary/395696-the-mcconnell-rule-is-law-and-senate-democrats-should-sue-to-enforce-it>

Letter: Scalise Dubious Choice as Commencement Speaker, THE ADVOCATE (May 2, 2018), http://www.theadvocate.com/baton_rouge/opinion/letters/article_89896ac8-4e22-11e8-868b-bf9213828acb.html

The (Current) Gun-Control Debate Is Not Really About Gun Control, COMMON DREAMS (March 22, 2018), <https://www.commondreams.org/views/2018/03/22/current-gun-control-debate-not-really-about-gun-control>

God, Heaven, and Evil: A Renewed Defense of Atheism, SKEPTIC MAGAZINE 23(1) (2018)

Apparently, Child Rapists Deserve the Death Penalty, But a Child Molester Deserves a U.S. Senate Seat, COUNTERPUNCH (Dec. 12, 2017), <https://www.counterpunch.org/2017/12/12/apparently-child-rapists-deserve-the-death-penalty-but-a-child-molester-deserves-a-u-s-senate-seat/>

Why We Need to Take Animal Cruelty Much More Seriously, COUNTERPUNCH (Nov. 17, 2017), co-authored with Dr. Wendy Wolfson, <https://www.counterpunch.org/2017/11/17/why-we-need-to-take-animal-cruelty-much-more-seriously/>

The Right Doesn't Oppose Affirmative Action – for Themselves, TRUTHOUT (Aug. 9, 2017), <http://www.truth-out.org/buzzflash/commentary/the-right-doesn-t-really-oppose-affirmative-action-for-themselves>

Yes, Crimes Were Committed, COMMON DREAMS (July 19, 2017), <https://commons.commondreams.org/t/yes-crimes-were-committed/43361>

Letter: Kennedy Should Oppose Bush Nomination, THE ADVOCATE (July 12, 2017), http://www.theadvocate.com/baton_rouge/opinion/letters/article_8b83043a-6717-11e7-ac6d-5351047b0e81.html

Sorry, But It's Entirely the Right's Fault, COUNTERPUNCH (June 22, 2017), re-posted on BILLMOYERS.COM (June 23, 2017), <http://billmoyers.com/story/sorry-entirely-rights-fault/>

Why – How – Do They Still Love Trump?, COUNTERPUNCH (May 19, 2017), re-posted on ALTERNET as *Why—and How—Is Trump's Base Still Loyal to a Guy Who Is a Proven Disaster?* (May 24, 2017), <http://www.alternet.org/news-amp-politics/why-and-how-trumps-base-still-loyal-guy-who-proven-disaster>

Why the Right Is Morally Wrong, COUNTERPUNCH (May 5, 2017), <https://www.counterpunch.org/2017/05/05/why-the-right-is-morally-wrong/>

Judge Gorsuch's strict 'originalism' puts justice itself at stake, THE HILL (April 7, 2017), <http://thehill.com/blogs/pundits-blog/the-judiciary/327808-strict-originalism-puts-justice-itself-at-stake>

The Right's Selective Enforcement of Criminal Law, COUNTERPUNCH (April 7, 2017), <https://www.counterpunch.org/2017/04/07/the-rights-selective-enforcement-of-criminal-law/>

The Problems with Originalism, NEW YORK TIMES (March 22, 2017), <https://www.nytimes.com/2017/03/22/opinion/the-problems-with-originalism.html>

Our Nietzschean Struggle, COUNTERPUNCH (March 3, 2017), <https://www.counterpunch.org/2017/03/03/our-nietzschean-struggle/>

Four Weeks into Hillary's Presidency, THE SATIRIST (Feb. 21, 2017), <https://www.thesatirist.com/satires/four-weeks-into-hillarys-presidency.html>

A Psychological Divide: Irrationality, Psychopathy, and Trump's Cult, COUNTERPUNCH (Feb. 2, 2017), reposted on BarbaraStreisand.com, <https://www.barbrastreisand.com/news/psychological-divide-irrationality-psychopathy-trumps-cult/>

Joe McKnight, Ronald Gasser, and the Law of Self-Defense in Louisiana, THE TIMES-PICAYUNE (Dec. 9, 2016), http://www.nola.com/crime/index.ssf/2016/12/joe_mcknight_death_1.html
If You Don't Support Gun Control, Then You Don't Support the Police, COUNTERPUNCH (July 19, 2016), <https://www.counterpunch.org/2016/07/19/if-you-dont-support-gun-control-then-you-dont-support-the-police/>
Louisiana Republican Voters Are Tapping Into their Jindal-Fueled Anger, THE TIMES-PICAYUNE (March 9, 2016), http://www.nola.com/politics/index.ssf/2016/03/trump_jindal.html
The Silly, Dirty, Ugly Game of Publishing in Law Reviews, TIMES HIGHER EDUCATION (Nov. 12, 2015), <https://www.timeshighereducation.com/opinion/us-law-reviews-dirty-game-peer-review-by-student>
Bad Faith: Why the Christian Right's Homophobia Is Indefensible, THE HUMANIST (Sept. 9, 2015), <https://thehumanist.com/commentary/bad-faith-why-the-christian-rights-homophobia-is-indefensible>
Veto Allows Mistreatment of Animals to Continue, THE TIMES-PICAYUNE (June 20, 2014), at B-6, http://www.nola.com/opinions/index.ssf/2014/06/gov_bobby_jindals_veto_allows.html

EDITOR

Co-editor (with Prof. Raff Donelson) of *The Palgrave Handbook on the Philosophy of Criminal Responsibility*. To be published by Palgrave Macmillan in 2025.

Helped to edit chapters of *Louisiana Criminal Law: Cases and Materials* by Dane Ciolino and Bobby Hares of Loyola University and Wendy Shea of Southern University (Esquire Books, 2013).

REFEREE FOR JOURNALS

American Philosophical Quarterly
Analysis
Australasian Journal of Philosophy
Axiomathes
British Journal for the History of Philosophy
Canadian Journal of Law & Jurisprudence
Criminal Law & Philosophy
Dialectica
Erkenntnis
Ethical Theory & Moral Practice
Grazer Philosophische Studien
Inquiry
Journal of Ethics
Journal of Ethics and Social Philosophy
Journal of Legal Philosophy
Journal of Philosophy
Law & Philosophy
Logic and Logical Philosophy
Neuroethics
New Criminal Law Review
Philosophia
Philosophical Papers
Philosophical Studies
Public Affairs Quarterly
Qeios
Res Publica
Review of Metaphysics
Ratio
Social Theory and Practice
Synthese

Theoria
University of Bologna Law Review

MEDIA APPEARANCES

Discussed with WAFB reporter Chris Nakamoto state law that allows some convicted felons who were former state employees to continue receiving pensions. <https://www.wafb.com/2025/01/06/i-team-nakamoto-exposes-state-loophole-allowing-taxpayers-compensate-convicts/> (Jan. 6, 2025)

Discussed with WBRZ reporter Sarah Gray Barr a Baton Rouge a jury's acquittal of Tony Lanus in the June 2023 murder of Eishmel Spears Jr. <https://www.wbrz.com/news/man-acquitted-for-2023-murder-after-defense-casts-doubt-on-state-s-sole-witness/> (Nov. 12, 2024)

Discussed with News15's Jim Hummel the legality of a Sunset, Louisiana police officer's traffic stop, after which the teen suspect fled, gave chase to the officer, crashed, and died. https://www.kadn.com/news/investigates/news-15-investigates-law-professor-says-sunset-officer-likely-had-authority-to-pull-over-driver/article_6d803d0c-81f1-11ef-9b01-d3a5882c46a4.html (Oct. 3, 2024)

Discussed with WBRZ reporter Sarah Gray Barr a criminal investigation of Johnny Adams for potential malfeasance in office connected to his work with the state Department of Energy and Natural Resources. <https://www.wbrz.com/news/metro-council-member-s-husband-under-investigation-for-malfeasance-at-state-department-of-energy/> (Oct. 2, 2024)

Discussed with CBS reporter Nikole Killion Louisiana's redistricting litigation. <https://www.cbsnews.com/video/how-supreme-court-louisiana-map-decision-could-impact-2024-races/> (May 14, 2024)

Discussed with WAFB reporter Scottie Hunter Judge Eboni Rose's use of what was arguably hate speech during court proceedings. <https://www.wafb.com/2024/05/14/i-team-judge-accuses-das-office-wanting-stick-every-nier-jail/> (May 13, 2024)

Discussed with WBRZ reporter Bess Casserleigh the legality of West Baton Rouge Sheriff's Deputy Donald Dawsey recording his ex-wife's business from a camera placed in the woods. <https://www.wbrz.com/news/ex-wife-of-suspended-wbr-deputy-who-allegedly-placed-cameras-outside-home-business-denied-restraining-order/> (May 9, 2024)

Discussed with WBRZ reporter Bess Casserleigh Judge Eboni Johnson Rose's recent decisions to let dangerous repeat offenders out on bond. <https://www.wbrz.com/news/for-one-19th-jdc-judge-controversy-over-rulings-is-nothing-new/> (April 22, 2024)

Discussed with News15 reporter Jim Hummel University of Louisiana-Lafayette police's treatment of Basil Brown, a transgender student at the University of Louisiana-Lafayette who had indicated on social media that he was suicidal. https://www.kadn.com/news/local/news-15-investigates-ul-police-made-contact-with-student-one-day-before-suicide/article_6d8709f8-fb6d-11ee-82a7-f3630ff2ff25.html (April 15, 2024)

Discussed with FoxTV reporter John Rupolo recent Second Amendment jurisprudence in the 5th Circuit and SCOTUS. <https://www.brproud.com/news/appeals-court-rulings-could-help-louisiana-man-accused-in-jan-6-riot-get-gun-charges-dropped/> (March 28, 2024)

Discussed with WAFB reporter Chris Rosato Gov.-elect Jeff Landry's cryptic statements about future law enforcement in New Orleans. <https://www.wafb.com/2023/12/01/everything-is-table-lsu-law-professor-reacts-governor-elects-statement-crime/> (Nov. 30, 2023)

Appeared on the “Without” podcast episode (“Drug Laws”) to discuss Louisiana’s traditional “War on Drugs” approach to fentanyl use and addiction. <https://podcasts.apple.com/us/podcast/without/id1687299637?i=1000634894827> (aired Nov. 15, 2023)

Discussed with WAFB’s Scottie Hunter criminal charges and civil lawsuits against former Baton Rouge Police Officer Wade Hill. <https://www.wafb.com/2023/09/07/i-team-former-brpd-officer-accused-sex-crimes-faced-similar-allegations-prior-agency/> (Sept. 7, 2023)

Discussed free will and responsibility with KBLA’s Tavis Smiley. <https://www.youtube.com/watch?v=IY8O8fINjRo> (June 27, 2023)

Discussed with WBRZ’s Chris Nakamoto the East Baton Rouge Aging Council’s recent decision to reduce oversight on expenditures. <https://www.wbrz.com/news/corruption-watchdogs-question-move-giving-council-aging-ceo-full-access-to-checkbook/> (May 22, 2023)

Discussed with WBRZ’s Chris Nakamoto the resignation of Louisiana Department of Wildlife and Fisheries Secretary Jack Montoucet after being exposed for allegedly engaging in illegal kickbacks. <https://www.wbrz.com/news/la-wildlife-and-fisheries-boss-resigns-amid-reports-on-alleged-kickback-scheme/> (April 14, 2023)

Discussed with WBRZ’s Chris Nakamoto Louisiana State Police’s promotion of Officer Kaleb Reeves, despite his history of reckless driving, including an accident in 2020 that led to the deaths of two people, An-Janne Lindsey and Kajenne Lindsey. <https://www.wbrz.com/news/despite-deadly-on-duty-crash-ex-lsp-leader-s-son-transferring-to-coveted-new-role/> (March 14, 2023)

Discussed with WBRZ’s Chris Nakamoto apparent corruption at Angola Prison. <https://www.wbrz.com/news/angola-employees-given-lucrative-contract-cutting-grass-at-prison-legal-expert-calls-it-corruption-at-its-finest/> (Feb. 24, 2023)

Discussed with WAFB’s Scottie Hunter the problems with EBR coroner Beau Clark’s working two additional jobs, including long shifts as an emergency room doctor. <https://www.wafb.com/2022/12/09/i-team-ebc-coroner-claims-hes-full-time-while-also-working-two-part-time-jobs/> (Dec. 1, 2022)

Discussed with WBRZ’s Chris Nakamoto charges of illegal surveillance against Amanda Carter, mother of a special-needs high school student. [https://www.wbrz.com/news/legal-expert-calls-mom-s-arrest-over-recording-devices-heavy-handed-/](https://www.wbrz.com/news/legal-expert-calls-mom-s-arrest-over-recording-devices-heavy-handed/) (Nov. 30, 2022)

Discussed with WBRZ’s Chris Nakamoto West Baton Rouge Sheriff Mike Cazes’ decision to continue paying a salary to Mandy Miller, a WBRSO employee who admitted to stealing \$150,000 from her employer. <https://www.wbrz.com/news/wbr-sheriff-refuses-interviews-while-his-employee-remains-under-criminal-investigation-for-stealing/> (Nov. 17, 2022)

Discussed with WBRZ’s Chris Nakamoto the controversial promotion of Captain Robert Burns to Commander of the Professional Standards & Compliance Section. <https://www.wbrz.com/news/state-police-head-defends-picking-trooper-with-checkered-past-to-lead-new-compliance-division/> (Oct. 14, 2022)

Discussed with WBRZ’s Nick Perlin why even video evidence of killing is not necessarily dispositive proof of murder. <https://www.wbrz.com/news/law-expert-explains-why-unexpected-decisions-were-made-in-two-cases-with-seemingly-damning-evidence/> (Aug. 19, 2022)

Discussed with different media organizations the United States Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* and its implications for abortion rights:

- <https://www.wafb.com/2022/06/28/law-professor-addresses-legal-challenges-abortions-la/?fbclid=IwAR3IhPBHw5Dcxqx9g7DI1JSmcwCyjflKmhTQcB9uno-o9GCQD2kql0xzGYI> (June 28, 2022)
- <https://www.wbrz.com/news/louisiana-judge-temporarily-blocks-enforcement-of-statewide-abortion-ban/> (June 27, 2022)
- <https://www.brproud.com/news/local-news/legal-experts-call-roe-v-wade-ruling-a-setback/amp/> (June 24, 2022)

Discussed with WBRZ's Johnston Von Springer whether East Baton Rouge Parish might be liable for injuries suffered by students jumping across a depression in the pathway to Tigerland and surrounding apartments. <https://www.wbrz.com/news/as-tigerland-construction-site-stunts-continue-legal-expert-sees-little-liability-for-city-parish> (December 16, 2021)

Discussed with WBRZ's Chris Nakamoto possible RICO charges against the Louisiana State Police for their alleged murder of Ronald Greene and subsequent coverup. <https://www.wbrz.com/news/attorney-rico-law-fits-state-police-misconduct-in-ronald-greene-coverup/> (Sept. 14, 2021)

Discussed SCOTUS's decision in *Edwards v. Vannoy* with Chris Rosato, reporter for WAFB. <https://www.fox8live.com/2021/05/17/prompted-by-baton-rouge-case-us-supreme-court-rules-against-making-louisianas-ban-non-unanimous-juries-retroactive/> (May 17, 2021)

Discussed duty-to-report laws with Mikayla Temple, reporter for Fox 47 News and WSYM TV. <https://www.fox47news.com/neighborhoods/delta-township-grand-ledge/lansing-mother-relaunches-the-clothing-business-of-her-son-who-died-in-2014> (Jan. 18, 2021)

Discussed textualism and originalism with Eva McKend, D.C. Bureau Reporter for Spectrum News One. <https://spectrumnews1.com/ky/northern-ky/news/2020/10/16/originalism-critique> (Oct. 7, 2020)

Discussed my book *Free Will, Responsibility, and Crime* with Aaron Freiwald, host of the podcast Good Law Bad Law. <https://www.goodlawbadlawpodcast.com/podcase/episodes/2020/4/24/good-law-bad-law-do-we-have-free-will-does-it-matter-a-conversation-w-ken-levy> (April 24, 2020)

Discussed with KATC-TV's Jim Hummel many Louisiana coroners' alleged violation of LSA-R.S.13:5716, which requires them to deny cremation permits for bodies whose deaths involve "suspicious circumstances or the reasonable probability of the commission of a crime." <https://www.katc.com/homepage-showcase/katc-investigates-body-of-evidence> (March 8, 2020)

Discussed with WAFB-TV's Scottie Hunter a formal complaint filed against (now former) 23rd Judicial District Judge Jessie LeBlanc. <https://www.wafb.com/2020/02/24/naacp-cites-wafb-interview-formal-complaint-against-judge-with-supreme-court/> (Feb. 24, 2020)

Discussed with WBRZ's Chris Nakamoto 18th Judicial District Judge Kevin Kimball's declaration of a mistrial in *SABIC Petrochemicals vs. Williams Olefins* for jury tampering. <https://www.wbrz.com/news/one-of-the-largest-jury-tampering-sanctions-issued-in-state-court-history/> (Feb. 13, 2020)

Discussed with WBRZ's Johnston Von Springer the criminal trial of former East Feliciana Coroner Laura DeJohn, who was charged with filing false public records and conspiracy. <https://www.wbrz.com/news/trial-underway-for-former-east-feliciana-coroner-accused-of-falsifying-documents> (Feb. 11, 2020)

Discussed with WBRZ's Chris Nakamoto a relationship between 23rd Judicial District Judge Jessie LeBlanc and former Assumption Parish Sheriff's Chief Deputy Bruce Prejean that potentially compromised the integrity of past criminal cases. <https://www.wbrz.com/news/sheriff-affair-between-judge-investigator-leads-to-review-of-hundreds-of-court-cases/> (Jan. 15, 2020)

Discussed with WBRZ's Trey Couvillion the considerations that will inform Judge Beau Higginbotham's sentencing decision for Matthew Naquin, who was convicted of negligent homicide in the hazing death of Max Gruver. <https://www.wbrz.com/news/former-lsu-frat-member-to-be-sentenced-in-max-gruvers-hazing-death-wednesday-morning/> (Nov. 19, 2019)

Discussed with WAFB-TV's Scottie Hunter whether Louisiana Secretary of State Kyle Ardoin violated statutory law by campaigning for other Republican candidates and how this allegedly illegal activity may be punished or remedied. <https://www.wafb.com/2019/12/05/investigators-complaint-be-filed-against-la-secretary-state-amid-news-investigation/> (Nov. 19, 2019)

Discussed with WBRZ's Chris Nakamoto potential corruption by Livingston Parish Tax Assessor Jeff Taylor and his wife Delia between 2011 and 2018. <https://www.wbrz.com/news/investigative-unit-livingston-tax-assessor-may-have-broken-the-law-paying-wife-for-work/> (Sept. 3, 2019)

Discussed with KATC-TV's Letitia Walker whether a mother who posted online her child's video of a fight at school violated LSA-R.S. 14:107.4 and whether this statute is even constitutional. <https://katc.com/news/around-acadiana/lafayette-parish/2019/02/21/law-professor-weighs-in-on-arrest-of-mom-who-posted-video-of-school-fight/> (Feb. 21, 2019)

Discussed with KATC-TV's Jim Hummel whether Catholic clergy in Louisiana are mandatory reporters when informed about past sexual abuse of children. <https://katc.com/the-list/2019/01/15/the-list-were-promises-kept/> (Jan. 15, 2019)

Discussed with WBRZ's Chris Nakamoto A. Wayne Stewart's potential violations of the Louisiana Bar Association's Rules of Professional Conduct by allegedly pressuring (prospective) clients to have sex with him in lieu of payment. <http://www.wbrz.com/news/legal-experts-demand-emergency-suspension-of-law-license-for-attorney-trying-to-trade-sex-for-work/> (Oct. 4, 2018)

Discussed with WBRZ's Chris Nakamoto Broderick "Chris" Landry's continued service as a Councilman for White Castle, Louisiana even though he was convicted of a felony several months ago. <http://www.wbrz.com/news/investigative-unit-despite-felony-conviction-councilman-still-in-office-and-getting-paid/> (Sept. 24, 2018)

Discussed with WBRZ's Chris Nakamoto West Baton Rouge Police Department's overly lenient treatment of Deputy Ben Arceneaux, who confessed to serious misconduct while on duty. <http://www.wbrz.com/news/prosecutors-state-police-conclude-investigation-into-wbrso-deputy/> (Sept. 14, 2018)

Discussed with Stacey Cameron, Chief Investigative Reporter & Executive Producer of Investigations for KSLA, Caddo Parish D.A.'s failure to win indictments at grand jury in nine homicide cases and Jonathan Robinson, who killed Rannita "Nunu" Williams, a mother of three, when he should have been in jail for multiple crimes. <http://www.ksla.com/2018/09/13/prior-charge-against-alleged-fb-live-killer-dismissed/> (Aug. 27, 2018)

Discussed with WBRZ's Chris Nakamoto former DEMCO CEO John Vranic's alleged theft of a \$14,000 generator. <http://www.wbrz.com/news/demco-top-dog-paid-restitution-for-high-dollar-freebie> (June 11, 2018)

Discussed with WBRZ's Chris Nakamoto Dorothy Jackson's and the Council of Aging's latest improprieties. <http://www.wbrz.com/news/formal-complaint-to-state-calls-ebc-coa-organized-crime-operation/> (April 24, 2018)

Discussed with WBRZ's Chris Nakamoto a suspicious dismissal of Alton Shelby Easterly's DWI charge by Denham Springs city prosecutor Blayne Honeycutt, who had previously received a \$2500 campaign donation from Easterly. <http://www.wbrz.com/news/despite-this-video-of-prominent-attorney-s-dwi-arrest-prosecutor-throws-out-charges/> (July 25, 2017)

Discussed with WBRZ's Chris Nakamoto a conflict of interest in the defamation lawsuit filed by Director of the East Baton Rouge Parish Council on Aging, Ms. Tasha Clark Amar. <http://www.wbrz.com/news/council-on-aging-director-s-mom-a-judge-assigned-daughter-s-defamation-lawsuit/> (May 5, 2017)

Discussed with WBRZ's Chris Nakamoto the defamation lawsuit filed by Director of the East Baton Rouge Parish Council on Aging, Ms. Tasha Clark Amar, against several defendants. <http://www.wbrz.com/news/council-on-aging-director-suing-elderly-woman-s-family-for-talking-about-her> (May 4, 2017)

Discussed with WWL's Tommy Tucker whether the DOJ would prosecute the police officers who killed Alton Sterling under 18 U.S.C. 242. <http://www.wwl.com/media/audio-channel/what-could-happen-justice-department-and-alton-sterling-case> (May 2, 2017)

Discussed with Louisiana Public Broadcasting's Shauna Sanford the implications of the U.S. Supreme Court's decision in *Glossip v. Gross* for the death penalty in Louisiana on "The State We're In". http://www.lpb.org/index.php?swi/swi_episode/july_17_2015 (July 17, 2015)

ACADEMIC EXPERIENCE

LSU LAW SCHOOL

Baton Rouge, LA

Professor of Law, Aug. 2017 – present

Associate Law Professor, Jan. 2012 – Aug. 2017

Assistant Law Professor, June 2009 – Dec. 2012

Subjects taught: Advanced Criminal Law, Criminal Law, International Criminal Law, Torts, White Collar Criminal Law. Will be teaching Criminal Procedure (Fourth, Fifth, and Sixth Amendments) starting in Spring 2025.

HARVARD LAW SCHOOL

Cambridge, MA

Climenko Fellow, June 2007 – May 2009

COLUMBIA LAW SCHOOL

New York, NY

Visiting Teaching Fellow, January 2007 – May 2007

RUTGERS UNIVERSITY

New Brunswick, NJ

Excellence Fellow and Teaching Assistant, Fall 1991 – Spring 1999

PRESENTATIONS AND PANEL DISCUSSIONS

The Legality Principle in Reverse, Panel on the Legality Principle, SEALS Conference, July 22, 2024.

The First Amendment in Education: May Public Schools Discipline Faculty for Political Hate Speech?, University of Oklahoma College of Law, Eighth Annual ACS Constitutional Law Scholars Forum, Feb. 16, 2024.

Weak Minds, Invited keynote presentation, Third Extreme Belief and Responsibility Workshop, Vrije Universiteit Amsterdam, June 30, 2023.

Against Responsibility Skepticism in the Criminal Justice System, Barry University's Seventh Annual ACS Constitutional Law Scholars Forum, Feb. 25, 2022.

May State Universities Fire Professors Who Endorse Trumpism?

- Southeastern Association of Law Schools (SEALS) Conference, July 27, 2021.
- Barry University's Sixth Annual ACS Constitutional Law Scholars Forum, March 26, 2021
- Loyola Chicago Law School's Eleventh Annual Constitutional Law Colloquium, Nov. 6, 2020.

Why Are There No Criminal Statutes Prohibiting Hate Speech?, Barry University's Fifth Annual ACS Constitutional Law Scholars Forum, Feb. 28, 2020.

Panel discussion about Respondeat Superior Liability, Southeastern Association of Law Schools (SEALS) Conference, July 31, 2019.

Responsibility Skepticism Versus the Insanity Defense, Crimfest, Brooklyn Law School, July 16, 2019.

Commented on Prof. Erin Kelly's paper, "Justice and Retribution," at the Responsibility and Punishment Symposium, American Philosophical Association – Pacific Division, Vancouver, Canada, April 17, 2019.

Panel discussion of Brooklyn Law Professor Alice Ristroph's paper, "Criminal Law's Nightmare, and Its Noble Dream," Buffalo Criminal Law Center, Nov. 9, 2018.

Moderator of Death Penalty Panel, LSU Law School, Oct. 30, 2018.

The McConnell Rule: Nasty, Brutish, and Unconstitutional

- Barry University Fourth Annual ACS Constitutional Law Scholars Forum, March 1, 2019.
- Southeastern Association of Law Schools (SEALS) Conference, Aug. 11, 2018.

Panel discussion about insider trading, Southeastern Association of Law Schools (SEALS) Conference, Aug. 9, 2018.

Normative Ignorance: The Insanity Defense Is Constitutionally Required, But the Mistake of Law Defense Could Be an Adequate Substitute

- Loyola Chicago Law School's Ninth Annual Constitutional Law Colloquium, Nov. 2, 2018.
- Barry University ACS Constitutional Law Scholars Forum, March 2, 2018.
- Louisiana Scholarly Workshop 2018, February 23, 2018.

Panel discussion of University of California-San Diego Philosophy Professor Manuel Vargas's paper, "Blame and Retribution," Buffalo Criminal Law Center, October 25, 2017.

Presented three chapters of my forthcoming book, Free Will, Responsibility, and Crime: An Introduction (Routledge), Buffalo Criminal Law Center, September 27, 2017.

Panel discussion of Villanova Law Prof. Michelle Madden Dempsey's paper, "The Volenti Maxim," Buffalo Criminal Law Center, April 28, 2017.

Panel discussion of the movie Thirteenth, LSU Law School, Jan. 25, 2017.

Panel discussion of Univ. Penn Law Professor Stephen Morse's paper, "Law and the Sciences of the Brain/Mind," Buffalo Criminal Law Center, May 3, 2016.

Panel discussion of William & Mary Law School Professor Peter Alces' forthcoming book on neuroscience, criminal law, and free will, Buffalo Criminal Law Center, April 1, 2016.

The Law of Self-Defense in Louisiana for the LSU chapter of the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers (NOBCCChE), March 29, 2016.

The Carnivore's Challenge

- Mississippi College School of Law, Nov. 10, 2016.
- LSU Animal Rights Club, Nov. 11, 2015.
- LSU Philosophy Salon, Oct. 1, 2015.

Repeal the Second Amendment!

- Barry University ACS Constitutional Law Scholars Forum, April 1, 2016.
- Central States Law Schools Association, Oct. 9, 2015.

Introduction to Criminal Law

- SEO Law Institute (New York, NY), July 28, 2016.
- SEO Law Institute (New York, NY), July 29, 2015.
- SEO Law Institute (New York, NY), July 31, 2014.

Helped organize the Louisiana Law Review's Symposium about criminal justice, "Throw Away the Key," and helped moderate a panel ("Philosophical and Rational Considerations") that featured Professors Kevin Bennardo, Russell Christopher, and Tamara Lawson, LSU Law School, Jan. 22, 2016.

Why Justice Scalia Is Wrong: Inferentialism Over Textualism and the Dynamic View Over the Static View of Constitutional Interpretation

- Loyola Chicago's Sixth Annual Constitutional Law Colloquium, Nov. 6, 2015.
- 2015 Law & Society Association Annual Meeting, May 28-31, 2015.
- Barry University ACS Constitutional Law Scholars Forum, March 20, 2015.
- LSU Law Center (faculty), Oct. 7, 2014.
- LSU Law Center, Central States Law Schools Association 2014 Annual Scholarship Conference, Oct. 11, 2014.

Situationism Shows that Criminal Responsibility Does Not Require Moral Responsibility

- Western Michigan University, Medical Humanities Workgroup Conference Program, Sept. 26, 2013.
- University of Arkansas-Fayetteville, Central States Law Schools Association 2013 Annual Conference, Oct. 5, 2013.

Helped organize and moderated “*A Questionable Verdict? Trayvon Martin, George Zimmerman, and Stand Your Ground Laws,*” a panel discussion with Prof. Donald Tibbs and attorney Lewis Unglesby about Trayvon Martin, LSU Law School, Sept. 5, 2013.

Revenge-ism and the Limits of Retributivism

- Cleveland-Marshall College of Law, Central States Law Schools Association 2012 Annual Conference, Oct. 20, 2012.
- Mansfield College, Oxford University’s 3rd Global Conference – Revenge – A Person’s Project, July 17, 2012.

Dangerous Psychopaths: Moral Responsibility, Criminal Punishment, and Preventive Detention, University of San Diego Law School’s April Institute for Law and Philosophy Conference (“The Morality of Preventive Restriction of Liberty”), April 29, 2011.

Insanity Defenses (with Walter Sinnott-Armstrong), University of Texas-Austin School of Law, Oct. 22, 2010.

Moral Responsibility, Excuses, and Situationism

- Louisiana Junior Faculty Forum, Loyola-New Orleans University School of Law, Oct. 1, 2010.
- University of San Diego School of Law, Sept. 16, 2010.
- Southeastern Association of Law Schools (SEALS) Conference, Aug. 4, 2010.

Killing, Letting Die, and the Case for Mildly Punishing Bad Samaritanism

- LSU Law Center, Dec. 10, 2008.
- Indiana University School of Law-Bloomington, Dec. 4, 2008.
- SMU Dedman School of Law, Nov. 13, 2008.
- Harvard Law School, Oct. 8, 2008.

LEGAL WORK EXPERIENCE

ARENT FOX

Litigation Associate, April 2006 – November 2006

New York, NY

WHITE & CASE

Litigation Associate, August 2004 – March 2006

New York, NY

SWIDLER BERLIN SHEREFF FRIEDMAN

Litigation Associate, September 2002 – July 2004
Summer Associate, Summer 2001

New York, NY

NEW YORK STATE ATTORNEY GENERAL, MEDICAID FRAUD CONTROL UNIT

Intern, Summer 2000

New York, NY

JUSTICE FOR FATRELL QUEEN

Secretary as of August 2022. According to its mission statement, the organization “is committed to reducing violence in Baton Rouge by addressing its root causes and improving the criminal justice system. J4F aims to reduce violence by providing sustainable resources to communities that are underserved by local and state government. These resources include optimal healthcare and optimal education, including mentoring and tutoring for children and teens in need. J4F aims to improve the criminal justice system by pushing for stronger community policing and demanding accountability for police officers who engage in excessive force, abuses of power, or corruption.”

BAR ADMISSIONS

Admitted to practice in New York State, the Southern and Eastern Districts of New York, and the United States Supreme Court.

January 17, 2024

Ken Levy
5738 Parkknoll Pl Dr.
Baton Rouge, LA 70816

Dear Professor Levy:

Please allow this letter to serve as notice that you are being relieved of your teaching responsibilities, effective immediately, pending an investigation into student complaints of inappropriate statements made in your class during the first week of the Spring Semester 2025. Your compensation will remain unchanged. You will be contacted regarding the investigation and will be allowed an opportunity to respond to the allegations.

In the meantime, you are allowed on campus but your current courseload will be reassigned. Please direct any questions concerning this action to my office.

Sincerely,

Lindsay Madatic

Lindsay Madatic
Director, Employee Relations

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA


NUMBER _____ DIVISION “ _____ ”

PROFESSOR KEN M. LEVY

VERSUS

BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND
A&M COLLEGE

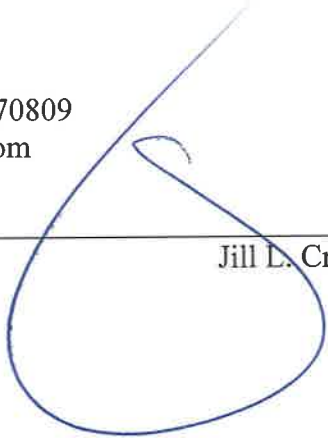
CERTIFICATION OF COUNSEL PURSUANT TO LA. C.C.P. ART. 3603

I, Jill L. Craft, am counsel for the Petitioner, Professor Ken M. Levy, in connection with this matter. I hereby certify that on January  2025, I emailed a copy of the Petition for Temporary Restraining Order and Injunctive Relief and mailed a copy of same to the following individuals prior to filing same:

Attorney Carlton “Trey” Jones
Office of General Counsel
Board of Supervisors of Louisiana State University
And A&M College
3810 W. Lakeshore Drive
Baton Rouge, Louisiana 70808
jones@lsu.edu

Mr. John “Scott” Ballard, Chair
Board of Supervisors of Louisiana State University
And A&M College
4480 Hwy. 22
Suite 2
Mandeville, Louisiana 70471
sballard@lsu.edu

Mr. Jimmy Faircloth
9026 Jefferson Highway
Building 6, Suite 600
Baton Rouge, Louisiana 70809
jfaircloth@fairclothlaw.com



Jill L. Craft

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER _____ DIVISION “ _____ ”

PROFESSOR KEN M. LEVY

VERSUS

BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND
A&M COLLEGE

ORDER

Upon consideration of the Petition for Temporary Restraining Order and Injunctive Relief, attachments thereto, the record of these proceedings, the law, for reasons specifically identified and assigned in this record, and because the Court finds that irreparable harm, injury, loss, or damage will occur;

IT IS ORDERED that a Temporary Restraining Order issue herein directed to the defendant, Board of Supervisors of Louisiana State University and A&M College, ordering the immediate reinstatement of Petitioner to his position and teaching responsibilities, prohibiting said defendant from interfering with Petitioner’s employment, suspending Petitioner, or taking any tangible employment action against Petitioner on account of his expressions afforded protection under the Constitutions of Louisiana and of the United States and, further enjoining this defendant, its agents, employees, and assigns from infringing upon Petitioner’s rights under the United States and Louisiana Constitution, specifically, his rights to free speech and due process of laws, from further harassing or retaliating against Petitioner on account of his protected academic freedom and free speech.

IT IS FURTHER ORDERED that upon issuance of a Temporary Restraining Order, bond shall be set in the amount of _____.

IT IS FURTHER ORDERED that a hearing be held before the Court in Baton Rouge, Louisiana, on the ___ day of _____, 2025, at _____ o’clock ____ .m. on Petitioner’s request for Injunctive Relief.

ORDER RENDERED at Baton Rouge, Louisiana, on the _____ day of _____, 2025, at _____ o’clock ____ .m.

Judge, 19th Judicial District Court

ORDER RENDERED at Baton Rouge, Louisiana, on the _____ day of _____, 2025, at _____ o'clock _____ .m.

Judge, 19th Judicial District Court

**If 19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

NUMBER _____ DIVISION “ _____ ”

PROFESSOR KEN M. LEVY

VERSUS

**BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND
A&M COLLEGE**

**MEMORANDUM IN SUPPORT OF PETITION FOR
TEMPORARY RESTRAINING ORDER AND INJUNCTIVE RELIEF**

MAY IT PLEASE THE COURT:

FACTS:

In June, 2009, Professor Ken M. Levy began employment at LSU’s Paul M. Hebert School of Law. In January 2012, Professor Levy was promoted from Assistant Professor of Law to Associate Professor. In May 2015, Professor Levy received tenure. In August 2017, Professor Levy was promoted to full Professor of Law. Over the past sixteen years, Professor Levy has taught Advanced Criminal Law, Criminal Law, International Criminal Law, Torts, and White Collar Criminal Law. Professor Levy is a nationally renowned expert in constitutional law, criminal law, and metaphysics, as evident from his attached Curriculum Vitae.

Professor Levy volunteered to teach Administration of Criminal Justice I (“ACJ”) in the spring of 2025. This course covers citizens’ constitutional rights in the Fourth, Fifth, and Sixth Amendment to the United States Constitution.

Professor Levy’s most recent publication eerily foreshadows the situation in which he finds himself now. In “The First Amendment in Education: May Faculty at Public Schools Be Disciplined for Political Hate Speech?”¹ Professor Levy confronted the constitutional question in the title.

Throughout his tenure at the LSU Law School, Professor Levy has consistently enjoyed excellent evaluations from both his students and law school deans. He is a beloved, popular professor, known for his teaching abilities, which include conducting both informative and interesting lectures, discussions, and debates; his excellent sense of humor; and his kindness to, and concern for, his students. Many, if not most, of his current and former students enthusiastically

¹ *William and Mary Bills of Rights Journal* 33, 169-207 (2024).

praise Professor Levy for his ability to improve the quality of their writing and of their critical thinking skills. Professor Levy insists that his students always provide reasons or arguments for their conclusions, open their minds to alternative conclusions and perspectives, and maintain a sense of humility and curiosity throughout the process. More important than learning the “black-letter law,” he frequently reminds them, is the ability to figure out where the “gaps” and ambiguities are in the law and how to navigate them, skills that every good attorney must develop. This is his teaching pedagogy and the manner in which he imparts knowledge and wisdom to the future legal profession.

The first day of Administration of Criminal Justice I class was January 14, 2025, and Professor Levy’s section contained eighty-two (82) law students. Professor Levy, as many of his colleagues, is known for frank language and using profanity from time to time, usually to punctuate his points. Professor Levy’s teaching philosophy is derived from his own light-hearted personality and because he believes that the serious, often dark nature of the material he teaches “goes down” a little more easily with frequent doses of humor.

During class, Professor Levy reminded the students of his policy that recording of his class is not permitted. He thereafter had a discussion of a recent First Amendment issue which had occurred last semester involving one of his colleagues at the law school received criticism from Governor Landry. Recounting the situation as an example of First Amendment speech, Professor Levy explained that he added a no- recording rule because he did not want to be Governor Landry’s next target – although that is apparently what happened. Professor Bryner had been attacked by Governor Landry on social media for comments Professor Bryner had made during his class about the impact the election will likely have on the law. In response, Governor Landry threatened Professor Bryner on social media: “[T]his is not the kind of behavior we want @LSU and our universities.” It is also submitted, upon information and belief, that Governor Landry demanded LSU discipline Professor Bryner for his speech.

In the context of the Bryner First Amendment issue, Professor Levy made clear he stands for the First Amendment and that if someone wanted to “turn him in” to Governor Landry, he joked that his colleague who suffered the ire of Governor Landry had become national news. He stated, forward my material to the Governor. If Governor Landry were to retaliate against him, then “f*** the Governor” and “f***” that – all of which was a joke and clearly said in a joking manner to highlight his no- recording policy in class.

As the class progressed, Professor Levy expressed the seriousness and importance of the issues to be studied and debated in the class, particularly as regards the rights of individuals when interacting with the police. Professor Levy explained he was seriously concerned that our current, robust constitutional rights in the Fourth, Fifth, and Sixth Amendments might be significantly weakened or even eradicated in the next Trump administration and by the current Supreme Court. In so doing, Professor Levy added that the casebook is full of United States Supreme Court decisions and, therefore, unless reversed at a later time, the class was about to learn the law of the land. Professor Levy added the current state of the law is very much in flux and is rapidly changing due to changing dynamics within the Courts and with the new Trump administration. In his classroom discussion, Petitioner advised, as an example, that he is a democrat but understands there are divergent opinions which impact the current state of the law but gave his rather colorful opinion as to the outcome of the presidential election. He then commented, “[F]or those of you who like him (Trump), **you can**” and that he does not pay attention to “what Trump is doing.” His focus, instead, is on the course material and the state of the law as it is evolving - the subject matter of his class. Clearly, what Professor Levy communicated to the students was neither his political opinion or that of the students matter in this course. All that matters is what the courts say the law is – like it or not.

Upon information and belief, the following events occurred. First, after Professor Levy’s first ACJ class, one of his students allegedly complained to the Governor and that the LSU President, Chair of the Board of Supervisors, herself, and the LSU Provost were called. Notably, there is a transcript and recording of Professor Levy’s class which have been provided to LSU.

Second, on the morning of January 15, 2025, Dean Allen emailed Professor Levy with a request to meet with her on January 16, 2025. Professor Levy and Dean Allen met on January 16, 2025, at approximately 11:45 a.m. Dean Allen told Professor Levy an unidentified student in his ACJ class had made several allegations, the “most serious” of which were that Professor Levy had said “f*** Landry” and “f*** Trump”. Professor Levy addressed the allegations with Dean Allen. Both concluded the approximately fifteen (15) minute meeting with an agreement that Professor Levy not only could continue to “speak his mind” but should continue to “speak his mind” about important and controversial issues.

Third, on the afternoon of January 17, 2025, Dean Allen called Professor Levy and told him LSU Human Resources wanted to meet with him the following day, Saturday, January 18,

2025, at noon. Professor Levy called Dean Allen later and asked for a postponement of the meeting until he could find legal representation. Professor Levy's call to Dean Allen was not immediately returned, and he then sent her an email the following morning with the same request. The next day, on Saturday, January 18, 2025, en route to attend the meeting despite the fact he had requested a continuance in order to have representation, he received the attached letter from Lindsey Madatic, Director LSU Employee Relations. After receipt of the letter and fifteen (15) minutes after the January 18, 2025, HR meeting was to occur, Professor Levy received an email from Dean Allen in which she wrote, "Ken, I conveyed your concern and request, and I believe HR will reach out to you directly. AMA"

According to the Madatic letter, Professor Levy was "relieved of [his] teaching responsibilities, effective immediately, pending an investigation into student complaints of inappropriate statements made in your class during the first week of the Spring Semester 2025. . ." Defendant dated its letter "January 17, 2024", but it is assumed defendant meant "2025". Professor Levy, a full, tenured professor received no notice or opportunity to respond prior to imposition of discipline.

Fourth, Professor Levy shows under defendant's Rules and Policies, Ms. Madatic does not possess the authority to take employment action against him. See LSU Permanent Memorandum 69, Permanent Memorandum 20, Bylaws of the LSU Board of Supervisors, Articles VII, IX, and X, LSU PS-36-T.

Professor Levy contends his rights under the First Amendment to the United States Constitution and La. Const. Art. I, §7 were violated and continue to be violated each day he is prevented from teaching. He contends LSU violated his procedural and substantive due process rights under the Fourteenth Amendment to the United States Constitution and La. Const. Art. I, §2 as he possesses a constitutionally protected property right in his public, tenured employment and his good name and reputation – his liberty. Petitioner seeks a Temporary Restraining Order and, in due course, a preliminary and thereafter permanent injunction.

LAW AND ARGUMENT:

Standard for Temporary Restraining Order and Injunctive Relief

La. C.C.P. Art. 3601 provides for entry of a Temporary Restraining Order and injunctive relief where, as here, "irreparable injury, loss, or damage may otherwise result to the applicant". The purpose of a temporary restraining order (and preliminary injunction) is to maintain the status

quo between the parties. *Farmer's Seafood Co., Inc v. State ex rel. Dept. of Public Safety*, 2010-1746 (La. App. 1 Cir. 4/14/11), 56 So.3d 1263, 1267. La. C.C.P. Art. 3603 makes clear, in pertinent part:

- A. A temporary restraining order **shall** be granted without notice from the court when all of the following occur:
- (1) It clearly appears from specific facts shown by a verified petition, by supporting affidavit, or by affirmation as provided in Article 3603.1(C)(3) that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition.
 - (2) The applicant's attorney certifies to the court in writing the efforts that have been made to give notice or the reasons supporting the applicant's claim that notice should not be required. . . (emphasis added)

A Petitioner is entitled to injunctive relief without the requisite showing of irreparable injury when the conduct sought to be restrained is unconstitutional or unlawful, i.e., when the conduct sought to be enjoined constitutes a direct violation of a prohibitory law and/or a violation of a constitutional right.² This is because a violation of the law or constitution is, itself, irreparable harm. The Court in *Camp, Dresser & McKee, Inc. v. Steimle & Associates, Inc.*, 652 So.2d 44, 47, No. 94-547 (La. App. 5th Cir. 1995), upheld the issuance of a preliminary injunction in favor of an engineering firm and against a competing engineering firm, finding it is not necessary to show irreparable injury, however, when the act complained of is unlawful. Indeed, the *Camp* Court, in upholding the issuance of the preliminary injunction to preserve the status quo pending a trial of the issues on the merits of the case, concluded:

. . . [F]or the purposes of the injunction, Sunbelt and Emmer were likely in violation of the Jefferson Code by removing solid waste from the disposal site and that Steimle and Sunbelt probably violated the trespass laws as well. Thus, CDM **did not need to show irreparable injury to enjoin** defendants from entering the property and going through the trash belonging to plaintiffs. . . Since unfair trade practices are deemed unlawful conduct under the act, CDM is not required to show irreparable injury to enjoin Steimle and Sunbelt from future dissemination of the information gathered from its dumpster. **Thus, whether or not CDM showed irreparable injury is irrelevant in this case.**

Camp, at p. 47-48 (Emphasis added)

LSU's suspension of Professor Levy's teaching rights has caused, and will continue to cause, irreparable harm, injury, and damage to Professor Levy. First, the suspension violates Professor Levy's right to free speech under the First Amendment to the United States Constitution. It likewise violates Professor Levy's right to free speech under La. Const. Art. I, §7 which provides, "No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and public his sentiments on any subject, but is responsible for abuse of that

² See: *Jurisich v. Jenkins*, 1999 WL 955374 (La. 1999); *Adler v. Williams*, No. 2016 CA 0103 (La. App. 1 Cir. 9/16/16), 203 So.3d 504, 513.

freedom.” The conduct of LSU removing Professor Levy from teaching, “effective immediately” because of a complaint of “inappropriate statements made in your class” constitutes restraint of his rights to academic freedom. The transcript of the class shows only that Professor Levy engaged his students in robust debate, challenged their viewpoints, and expressed his opinion – clearly protected rights of speech and academic freedom. As the Supreme Court made clear in the seminal case of *Garcetti v. Cabellos*, 547 U.S. 410, 419126 S.Ct. 1951, 164 L.Ed.2d 689 (2006), citing to the well-established precedent from *Perry v. Sindermann*, 408 U.S. 539, 597, 92 S.Ct. 2694, 22 L.Ed.2d 570 (1972), *Connick v. Myers*, 461 U.S. 138, 147, 103 S.Ct. 1684, 75 L.Ed.2d 708 (1983), and *Pickering v. Bd. of Ed. of Township High School Dist*, 391 U.S. 563, 568, 99 S.Ct. 1731, 20 L.Ed.2d 811 (1968):

The Court has acknowledged the importance of promoting the public’s interest in receiving the well-informed view of government employees engaged in civil discussion. . . The [*Pickering*] Court’s approach acknowledged the necessity for informed, vibrant dialogue in a democratic society. It suggested, in addition, that widespread costs may arise when dialogue is repressed. The Court’s more recent cases have expressed similar concerns. . .

This backdrop is why the *Garcetti* Court specifically “carved out” academic freedom speech from the reach of its primary holding meaning academic speech remains protected against government intrusion or stifle. *Garcetti*, 547 U.S. at 425.

Indeed, Pres. Trump himself has emphasized the importance of free speech.³ Defendant LSU likewise acknowledges the importance of academic speech. At LSU Permanent Memorandum 79 issued November 9, 2018, LSU declared the following:

Louisiana State University (“LSU” or the “University”) is fully committed to free speech among students, faculty, staff, and visitors. To fulfill our primary role of discovering and disseminating knowledge, a free interchange of ideas is necessary. LSU prides itself on upholding of free expression and believes that a culture of intense inquiry and informed argument generates lasting ideas. This freedom comes with a responsibility to welcome and promote express for all people and all ideas, even when in disagreement or opposition. This policy applies to all campus locations of LSU.

LSU unequivocally supports and endorses free speech and free expression among its students, faculty, and staff. The University strives to ensure the fullest degree of intellectual freedom and free expression on campus. It is not the proper role of the University to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including without limitation

³ In his Inaugural Address on Jan. 20, 2025, Pres. Trump said, “After years and years of illegal and unconstitutional federal efforts to restrict free expression, I will also sign an executive order to immediately stop all government censorship and bring back free speech to America. Never again will the immense power of the state be weaponized to persecute political opponents. Something I know something about. We will not allow that to happen. It will not happen again.” Later that same day, Pres. Trump signed an Executive Order indicating in part: “It is the policy of the United States to ... (b) ensure that no Federal Government officer, employee, or agent engages in or facilitates any conduct that would unconstitutionally abridge the free speech of any American citizen ...”

ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and as other applicable laws permit, in a manner which does not materially and substantially disrupt the functioning of the University and within the limits on time, place, and manner of expression stated herein.

It is for the individual members of the University community, not for the University as an institution, to judge the value of ideas, and to act on those judgments – not by seeking to suppress speech, but by openly and civilly contesting those arguments and ideas that they oppose. Encouraging members of the University community to engage with each other in an effective and responsible manner is an essential part of the University’s educational mission.

No amount of curse words or divergent opinion justifies the immediate and irreparable injury, loss, and damage occasioned by Professor Levy. As the Supreme Court long ago counseled in *Elrod v. Burns*, 427 U.S. 347 (1976), “[T]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”

At issue in *Elrod* was the threat of discharge against Cook County Sheriff’s Office employees who were non-civil service and were not Democrats – the party of the newly elected Cook County Sheriff and Mayor of Chicago. Finding even the threat of discharge on the basis of political affiliation or opinion plainly violative of the First Amendment and Fourteenth Amendment, the Supreme Court upheld issuance of an injunction prohibiting any intrusion upon those rights. Delivering the opinion of the Court, Justice Brennan observed,

... ‘[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism religion, or other matters of opinion or force citizens to confess by word or act their faith therein.’ *Board of Education v. Barnette*, 319 U.S. 624, at 642 (1943). And, though freedom of belief is central, ‘[t]he First Amendment protects political association as well as political expression.’ *Buckley v. Valeo*, at 424 U.S. 15. . . . The right to associate with the political party of one’s choice is an integral part of this basic constitutional freedom. *Kusper v. Pontikes*, 414 U.S. 51, 414 U.S. 56-57 (1973). These protections reflect our ‘profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open,’ *New York Times Co. v. Sullivan*, 376 U.S. 254, 376 U.S. 270 (1964), . . . Patronage, therefore, to the extent it compels or restrains belief and association, is inimical to the process which undergirds our system of government and is ‘at war with the deeper traditions of democracy embodied in the First Amendment. . .

Elrod, 427 U.S. at 355-358

By suspending Professor Levy, defendant LSU is engaging in viewpoint discrimination, which the Supreme Court has long regarded as anathema to the First Amendment. See *Matal v. Tam*, 582 U.S. 218, 243 (2017) (“[W]hat we have termed ‘viewpoint discrimination’ is forbidden. . . Giving offense is a viewpoint.”); *Hill v. Colorado*, 530 U.S. 703, 716 (2000) (“The right to free speech, of course, includes the right to attempt to persuade others to change their views, and may not be curtailed simply because the speaker’s message may be offensive to his audience. LSU is

punishing Professor Levy for his viewpoint and in violation of his constitutional rights.

Academic freedom is arguably as protected by the First Amendment as political speech is. See *Rust v. Sullivan*, 500 U.S. 173, 200 (1991) (“[W]e have recognized that the university is a traditional sphere of free expression so fundamental to the functioning of our society ...”); *Keyishian v. Bd. of Regents of the Univ. of the State of N.Y.*, 385 U.S. 589, 603 (1967) (“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned.”). This is why the United States Supreme Court held that the First Amendment prohibits states from terminating public-school teachers merely for refusing to certify that they are not Communists⁴ or for criticizing their administrations.⁵

Expression of support for one political view as opposed to another⁶ has been long held by the Supreme Court and courts of the Country as clearly protected. Importantly, that political speech contains profanity does not matter; it neither weakens nor negates this broad protection. No number of curse words justifies the immediate and irreparable injury, loss, and damages occasioned by Professor Levy.

Second, as mentioned above, Professor Levy was tenured at LSU Law School in May 2015. Tenure, an institution dating back to the early twentieth century, is designed to promote academic freedom, the ability of academics to pursue research and teach classes without fear of retaliation or punishment for their academic speech. Yet in this instance, LSU simply ignored this extra layer of protection on top of the First Amendment. By preventing Professor Levy from teaching “effective immediately” because of a complaint of “inappropriate statements made in [his] class”, LSU is undermining the very purpose for which tenure was established and offered to Professor Levy (not to mention every other tenured professor at LSU), in the first place.

It is well-established that full-time, tenured faculty professors employed at a state university, like Professor Levy, hold a constitutionally protected property right in their

⁴ See *Keyishian*, 385 U.S. at 605–10.

⁵ See *Perry v. Sindermann*, 408 U.S. 593, 596–98 (1972).

⁶ In *Goss v. San Jacinto Junior College, et al.*, 588 F.2d 96 (5th Cir. 1/16/79), affirmed the jury verdict in favor of a non-tenured instructor denied renewal of her teaching contract in retaliation for her exercise of her First Amendment rights, to-wit: her political and organizational activities. The Court in *Kinney v. Weaver*, 301 F.3d 253, 269 (5th Cir. 2002) held non-tenured instructors terminated on account of external “pressure” because of the instructors’ testimony, violated their clearly established rights under the First Amendment of free speech: “The First Amendment shields speech ‘not only [from] direct limitations. . . but also [from] adverse government action against individual[s] because of [their speech],’ including the denial of public benefits to punish individuals for their speech.” Indeed, the *Kinney* Court held that the Police Chiefs and Sheriffs who clearly pressured the plaintiffs’ employer to end their employment could also be held liable to the plaintiffs under the First Amendment, at 270: “To hold that the Police Chiefs’ and Sheriffs’ conduct cannot constitute a First Amendment violation because they did not directly deny Kinney and Hall the benefit of employment, but instead used a government power to exert economic pressure on Kinney and Hall’s employer in order to achieve that same result, ‘would allow the government to ‘produce a result which [it] could not command directly.’” **Such interference with constitutional rights is impermissible.**

employment.⁷ The parameters of due process require, minimally, notice and opportunity to be heard prior to the deprivation. In *Cleveland v. Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538 (1985), the Court held that a plaintiff, like Professor Levy, who possesses a property interest in their public employment, cannot be deprived of that interest without due process. That process, as set forth by the *Loudermill* Court, required notice, a meaningful opportunity to respond, and a hearing before removal of his property right.⁸ Here, Professor Levy, contrary to not only *Loudermill* but also LSU's By-Laws, Policy Memoranda, and Policy Statements, do not permit the Director of Employee Relations to take unilateral action against Professor Levy. Indeed, LSU does not even have a provision for relieving a tenured professor from teaching. The closest they come to such a provision is "special leave," which requires action by the LSU President—not a Director of Employee Relations. Even then, as provided under PM-20, it must be for "extenuating circumstances" that are not present here.

Third, the suspension violates Prof. Levy's right against enforcement of ex post facto laws. (Art. I § 9 of the U.S. Constitution states, "No ... ex post fact Law shall be passed." And Art. 1 § 10 states, "No State shall ... pass any ... ex post facto Law ...") Likewise, Art. 1 §23 of the Louisiana Constitution states, "No ... ex post facto law ... shall be enacted.") Ex post facto laws are statutes criminalizing conduct that was legal when previously performed. The Founders prohibited such laws because they are so obviously unjust. A person who does not receive fair notice of a law cannot then be justly held responsible for failing to comply with that law. But this is precisely what LSU is doing here. LSU has created a vague speech restriction ("no inappropriate remarks") *after* January 14, 2025, that retroactively applies to Professor Levy's remarks *on* January 14, 2025. Professor Levy was never warned or told that he would be suspended, or punished in any other way, for making these allegedly inappropriate remarks. It is entirely unjust to now hold him in any way accountable for this conduct.

⁷ See *Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 566-567 (1972).

⁸ See: *Delahoussaye v. Board of Supervisors of Community and Technical Colleges*, 2004-0515, 960 So.2d 646, 651-655 (La. App. 1st Cir. 3/24/05) (affirming the grant of summary judgment in favor of a tenured instructor where he was not afforded notice and opportunity to respond prior to suspension without pay); *Jackson v. Pierre*, unpublished, 810 F.Appx. 276, 279 (5th Cir. 2020) (holding that a full time tenured professor is entitled to the following prior to employment action: 1) be advised of the cause for the action being taken in sufficient detail so as to enable her to show any error that may exist; 2) be advised of the names and nature of the testimony of the witnesses against her; 3) a meaningful opportunity to be heard in her own defense within a reasonable time; and, 4) a hearing before a tribunal which possesses some academic expertise and an apparent impartiality toward the charges.).

Test for Injunctive Relief

The purpose of a Temporary Restraining Order is primarily to “preserve the status quo and prevent irreparable harm”. Uniformly, injunctive relief rests upon four (4) basic considerations applicable in this Court and equally in federal court:

- (1) a substantial likelihood exists that plaintiff will succeed on the merits of the claim;
- (2) a substantial threat of irreparable harm exists if the injunction is not granted;
- (3) the threatened injury outweighs any harm to the defendants if the injunction is granted; and
- (4) the injunction will not undermine the public interest.⁹

Each element is present here necessitating injunctive relief.

As made clear by the Supreme Court, intrusions upon a person’s First Amendment rights, even for a moment, necessitate issuance of an injunction. See: *Elrod*. Professor Levy is likewise entitled to his own political opinions and affiliations; retaliating against him for that expression is abhorrent to the First Amendment and La. Const. Art. I, §7. Professor Levy teaching his class and employing his own pedagogical approach, cultivated over sixteen (16) years of teaching at the LSU Law School, is the very essence of academic freedom and precisely why the Supreme Court in *Garcetti* and its progeny carved out the firm protection for this fundamental freedom.¹⁰ The Supreme Court most recently in *Houston Community College System v. Wilson*, 595 U.S. 468, 480, 142 S.Ct. 1253, 212 L.Ed.2d 303 (2021) made clear even verbal reprimands may give rise to a First Amendment retaliation claim citing, with approval, *Kirby v. Elizabeth City*, 388 F.3d 440, 449 (4th Cir. 2004). In *Kirby*, the Court held a verbal reprimand of an employee who engaged in First Amendment protected speech violated the employee’s rights and was therefore actionable. See: *Haire v. Board of Supervisors of LSU*, 719 F.3d 356, 367 (5th Cir. 2013), (holding a supervisor’s not talking to her, keeping her out of meetings, alienation from administration, and that her pay *may* have been affected was sufficient to trigger anti-retaliation protections); *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53, 126 S.Ct. 2405, 165 L.Ed.2d 345 (2006) (anti retaliation protection was triggered with a suspension with pay).

⁹ See *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987).

¹⁰ Contrary to the decision in *Buchanan v. Alexander*, 919 F.3d 847 (2019), which involved an LSU professor’s sexual targeting of students in and out of class and serious issues with outside affiliates resulting in substantial losses to the LSU community as a result of her sexually explicit language and targeting, Professor Levy did not single out any students and his comments were directly related solely to his class, how it would proceed, and what challenges lie ahead for the students and the profession in this area. Unlike Buchanan who had been repeatedly warned about her use of language and sexual innuendo and commentary, Professor Levy has received nothing but accolades from his students, administration, faculty, public, and colleagues throughout the world. Significantly, the Court concluded Buchanan’s use of profanity and discussion of her sex life and her students’ sex lives were clearly not related to the training of Pre-K-Third grade teachers. This is simply not the circumstance present. Professor Levy’s students are law students who, as part of their training and education must consider alternative opinions, theories, interpretations, and viewpoints. In that regard, they must be prepared to advocate for and against differing views applying the law and Constitution within a challenging and ever-changing environment.

Professor Levy's substantive and procedural rights Professor Levy is tenured, meaning he possesses a constitutionally-protected property right in his employment. This right, as is patently clear under the law, may not be removed absent due process – notice and meaningful opportunity to respond prior to deprivation. Here, Professor Levy was given a vague letter, utterly lacking in any specifics, from HR – not even issued by the President or his Dean. LSU enjoys no identifiable policy providing for relieving a tenured professor of his duties. The “closest” statements are PS 109 and possibly, PS 104. By its terms, however, PS 109 does not permit relieving a tenured professor of his duties. Instead, it provides for faculty remediation after a specific finding that the faculty member's job performance to be “unsatisfactory in two reviews within a five-year period.” PS 104 permits dismissal for cause but only after full notice of the specific allegations, hearings, and resulting from “conduct seriously prejudicial to the University.” Even then, if found, there is no LSU mechanism for immediate suspension or removal of faculty from teaching. In other words, no matter how characterized by LSU, its actions in unilaterally relieving Professor of his teaching duties violate his substantive and procedural rights.

The palpable threatened (and existing) injury to Professor Levy outweighs any alleged harm LSU could attempt to claim. Constitutional rights, and particularly those arising under the First and Fourteenth Amendments, are the very underpinnings of a free society. Any intrusions upon those rights that are being inflicted on Professor Levy must be enjoined. The requested relief will not “disserve” the public interest and, instead, serves to both underscore and restore these fundamental rights.

CONCLUSION:

A Temporary Restraining Order and, in due course injunctive relief, must issue herein. Professor Levy's constitutional right to free speech; occupational right to due process, tenure protection, and academic freedom; and constitutionally derivative right against enforcement of ex post facto rules have all been violated and continue to be violated each day that this suspension of his teaching privileges continues.

Respectfully submitted,

By: _____
Jill L. Craft, #20922
W. Brett Conrad, Jr., #37639
329 Saint Ferdinand Street
Baton Rouge, Louisiana 70802
(225) 663-2612
jcraft@craftlaw.net; bconrad@craftlaw.net