

Fired Ethics Lawyer's Islam Tweets Land Employer in Hot Water: Potential Damages at Stake



Gerald Dean Morgan, a former Tennessee state legal ethics attorney who was fired in 2020 over tweets concerning Islam, has been granted the opportunity to seek employment-related damages by the 6th U.S. Circuit Court of Appeals in Cincinnati. The appeals court denied Chief Disciplinary Counsel Sandra Garrett's claim that she had "absolute" immunity under a judicial employee shield in the ruling.

The controversy arose after Morgan's termination due to tweets posted before his employment with the Board of Professional Responsibility of the Supreme Court of Tennessee that were critical of the Democratic Party and Joe Biden, which included an inquiry into "Where's the evidence that 'Islam is a religion of peace?'" The court also upheld Morgan's damages bid against Garrett.

Circuit Judge John Bush wrote for the unanimous panel that included Senior Judge Alice Batchelder and Circuit Judge Stephanie Dawkins Davis that judicial immunity should not be extended in this case, as it would "extend its reach to areas previously denied – namely administrative acts like hiring and firing employees." W. Gary Blackburn, Morgan's attorney, agreed with the ruling and noted that "nothing in the tweets was vulgar, inappropriate, or even embarrassing. Instead, they simply expressed a conservative political viewpoint shared by millions of Americans."

In the oral argument before the court in October, Garrett's attorney, David Rudolph, noted that the "nature of the functions" of Garrett's attorney discipline office justified immunity. He further stated, "disciplinary counsel is the face of the board in public and the courts."

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Unfortunately for Morgan, he was still barred by the 6th Circuit from seeking an injunction against the ethics board, and the details of his damage claim have yet to be made public. Nonetheless, Morgan will welcome the opportunity to seek compensation and re-establish his career after being swept up in this national controversy. He will likely also take solace in the decision by the 6th Circuit that his tweets did not ultimately constitute a violation of any disciplinary regulations or laws. Morgan was not immediately reached for comment on Tuesday. Garrett and Rudolph did not respond to messages seeking comment.

The appeals court's ruling affirms that employees have a right to freedom of speech under the First Amendment, even when employed by a government agency or judicial body. The decision is a significant victory for those seeking protection of their rights. Although the court denied Morgan's bid for an injunction, he will now have the opportunity to seek damages from Garrett and the Tennessee Attorney General's office over his wrongful termination. It is a win for justice, freedom of speech, and workers' rights that are increasingly under fire today in this country.

How far Morgan's case will go or the outcome is yet to be seen. However, it is clear that due to this ruling, he has been granted a vital reprieve and the opportunity to seek compensation for his ordeal. Regardless of the outcome, Morgan's case exemplifies that justice can prevail if we stay strong and keep fighting for what is right. It is a reminder of why protecting our rights as citizens is essential, even when they seem threatened, and why the power of freedom of speech should never be taken lightly.