

No. 08-56320

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, et al.,

Plaintiffs-Appellants,

v.

ROMAN STEARNS, et al.,

Defendants-Appellees.

*On Appeal from the United States District Court
for the Central District of California, Case No. CV-05-6242-SJO
The Honorable James Otero, United States District Judge*

**MOTION OF CALIFORNIA STATE UNIVERSITY AND UNIVERSITY OF
NEVADA, LAS VEGAS, FOR LEAVE TO FILE PROPOSED AMICUS
BRIEF IN SUPPORT OF DEFENDANTS-APPELLEES**

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California State University and University of Nevada, Las Vegas, (“amici curiae”) respectfully move this Court, pursuant to federal Rule of Appellate Procedure 29, for leave to file the proposed brief submitted herewith, as amici curiae in support of Defendants-Appellees in this appeal. Defendants-Appellees have consented to the filing of this brief and to all amicus briefs in support of Plaintiffs-Appellants. Plaintiffs-Appellants have refused to consent to the filing of this brief; they have declined to state any basis for that refusal.

As more fully described in the proposed brief, amici curiae are public universities that, like the University of California, make (and must be able to continue to make) content-based evaluations of speech to fulfill their academic missions.

Amicus curiae California State University is the largest university system in the country. *See* <http://www.calstate.edu/>. It has 23 campuses, almost 450,000 students, and 47,000 faculty and staff. *Id.* California State University engages in research and creative activities leading to scientific, technical, artistic and social advances. *Id.* It plays a vital role in the growth and development of California’s communities and economy. *Id.*

Amicus curiae University of Nevada, Las Vegas (“UNLV”) – one of seven constituent institutions of the Nevada System of Higher Education – is

a thriving urban research institution with 28,000 students, 3,300 faculty and staff, and an annual operating budget of approximately \$450 million. *See* <http://www.unlv.edu/about/>. UNLV's 350-acre main campus, located on the southern tip of Nevada in a desert valley surrounded by mountains, is home to more than 220 undergraduate, master's, and doctoral degree programs, all accredited by the Northwest Commission on Colleges and Universities. *Id.*

Amici curiae are interested in this matter because the issues presented implicate public universities' legal rights in making a variety of academic judgments that depend on evaluating the content of speech, including university admissions decisions based on high school coursework and essays, as well as university choices about what to teach and faculty tenure determinations. Amici curiae believe that such academic judgments are entitled to judicial deference and should not be subject to the strict scrutiny standard advocated by Plaintiffs-Appellants. Amici believe that the Court should be apprised of their relevant circumstances in conjunction with the Court's consideration of this appeal.

For the foregoing reasons, amici curiae respectfully request that this Court grant them leave to file the accompanying brief.

