



**Internet Law (Law 793)**  
Professor Eric Goldman  
Fall 2013

**1. SESSIONS.** The course meets in Bannan 139 Mondays and Wednesdays 9:00-10:20 am from August 19 to November 27; but we will not have class on August 26 and 28 (traveling), September 2 (Labor Day) and October 14 (Fall recess). We will have a regular class session on November 27, the day before Thanksgiving. Make your travel plans accordingly.

**2. READER.** Please download the course reader PDF for free from Claranet. If you want a hard copy, you may print the PDF. In Claranet, I've posted a letter authorizing copyshops to print the course reader file if you encounter any copyright trouble.

**3. GRADING.**

*Attendance.* In-class material and discussions are crucial to this course, so I expect you to attend every class session. However, because our lives are unpredictable, you have five "free passes" for unexcused absences. Let me know about an upcoming absence only if you are requesting that I excuse it. I excuse absences rarely; and job interviews don't get an excuse (although they are good news!). Your sixth unexcused absence may trigger a significant penalty to your final course grade. At my option, I may drop you from the course or give you an F upon a seventh unexcused absence. I don't penalize being tardy, but late arrivals can disrupt the class, so please try to arrive on time.

I will circulate a sign-in sheet during each class session. It is your responsibility to sign the sheet before I leave the room that day. If you come to class but fail to sign in, it will count as an absence. Make sure to sign in!

*Optional Midterm.* You may take an optional midterm. I **STRONGLY** encourage you to take the midterm if this is your first semester at Santa Clara Law (i.e., if you're a new LLM, visitor, transfer, etc.). My goal is to identify potential problems before the final exam. In the past, a 100% final exam without prior feedback has been occasionally devastating for unsuspecting students.

The midterm will be a one-question take-home exam with a word count cap. The midterm's procedural rules will be identical to the final exam rules discussed below, including the fact that I will not grade late midterms. The midterm will be available for check-out October 18 at 8:30 am and must be returned no later than October 21 at 9:00 am (all Pacific time).

I will grade the midterm on a pass/fail basis. All submissions will pass, irrespective of the answer's substantive merits, unless there are procedural violations (i.e., honor code violations or not honoring exam rules) or if I, in my sole discretion, feel you didn't take the midterm seriously.

If you get a “pass” on the midterm and then you get a grade below a B- on the final exam, I will increase your grade a half-grade (e.g., C+ goes to B-). Other than consequences for honor code violations, failing or skipping the midterm will not affect your final course grade.

It takes me a long time to grade papers during the busy semester, but I will try to return the midterms before Thanksgiving (ideally, well before). I rarely write lots of comments, but I’ll do my best, and I expect to provide a sample answer as well.

*Final Exam.* Except for adjustments due to excessive unexcused absences or the midterm, the final exam will constitute 100% of the course grade. The final exam will be a take-home exam, probably consisting of 2 essay questions with a maximum word count for each. I expect you will be able to checkout and return your exam electronically through Examsoft. The earliest checkout time will be December 4 at 9:00 am and the latest check-in time will be December 19 at noon (all Pacific time). The Examsoft timestamps are irrebuttable evidence of the checkout and check-in times.

You will have 73 hours to complete the exam, starting from the time you download it. Although you will have over 3 days to write your answer, the exam will not be materially different than I would assign as a 3 hour in-class exam. You can decide how much time to spend on the exam, but I expect most work done after the sixth or seventh hour of work will not materially improve the exam grade (or may start reducing it).

Important note: I do not accept late exams. **You will fail the course if your exam is not returned on time—even you are late by only 1 minute.** NO EXCUSES. In particular, you will fail the course if, at the deadline as you are just uploading your masterfully written answer, your computer spontaneously shuts down, your neighbors are watching porn videos on your shared Internet connection, or you experience any other technological snafu that may seem unexpected but is actually Murphy’s Law in action. As a result, only the most courageous or foolish students will actually wait to upload their exam close to the deadline. Please don’t learn the hard way how seriously I take deadlines.

I strongly encourage you to review my past exams to understand my exam style. You can find past exams and sample answers at my website (note the law may have changed in the interim).

**4. RECORDING.** I hope to audio- and video-record all course sessions (except guest lectures) and distribute those recordings to you. I anticipate posting the audio recordings to iTunesU, which is available to the public. If you have any concerns about being recorded in class, please let me know ASAP.

**5. OFFICE HOURS.** Unless I am teaching class, at a meeting or traveling, I am typically in my office between 9:30 and 6 M-F. I can schedule a time to speak with you at your convenience. Please email me to make an appointment. I’m also happy to talk by email.

**6. READINGS.** We will follow the course reader’s table of contents. For the first week, read the Reno and Noah cases. I’ll announce the subsequent week’s reading at the end of each

Wednesday's session. Note: the reader's table of contents links to various statutes and rules, and I expect you to be prepared to apply that material on the exam.

## **7. CONTACT INFORMATION.**

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When emailing me, please reference "Internet Law" in the subject line to avoid unintentional deletion as spam.

If you want to see some of the Internet Law issues I'm tracking, consider reading my blogs [<http://blog.ericgoldman.org> or <http://blogs.forbes.com/ericgoldman>] or following me at Twitter <https://twitter.com/ericgoldman>. More course-related materials, including an electronic copy of this syllabus, are available at my personal website, <http://www.ericgoldman.org/cyberlaw.html>.