



Internet Law (Law 793)
Professor Eric Goldman
Fall 2014

1. SESSIONS. The course meets in Bannan 135 Mondays and Wednesdays 10:30-11:45 am from August 18 to November 27; but we will not meet on September 1 (Labor Day) and October 13 (Fall recess). We will have a regular class session on November 26, the day before Thanksgiving, so plan your travels accordingly. I have scheduled an optional review session for December 1, noon to 1, in Bannan 135, although I may cancel the session if we collectively decide it's not helpful.

2. READER. Please download the course reader PDF from Camino. If you want a hard copy, I've posted a letter authorizing copyshops to print the course reader file.

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 have a small "perfect attendance" prize if you attend every class session.

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 Project. 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 resemble the final exam rules discussed below, including the fact that late midterms will earn a "no pass." The midterm will be available October 17 at 10:00 am and, if you participate, your answer must be submitted no later than October 19 at 5:00 pm (all times in this syllabus are Pacific time).

Your midterm answer will be submitted to me and one of your peers, and a peer will submit his/her midterm answer to you. To complete the project, you will then write and submit a short evaluation memo of your peer's midterm answer. I'll provide more specific parameters for the

evaluation memo when we get closer to the date. I anticipate most evaluation memos would be 500 words or less. The evaluation memo will be due to me and your peer by October 26 at 5:00 pm.

I will grade the midterm and your evaluation memo on a pass/no pass basis. All submissions will pass, irrespective of their substantive correctness, 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 project seriously.

If you earn a "pass" on the midterm project, you will earn 1 extra point on your raw final exam score. That may not sound like much, but it has the potential to boost your final course grade by a half-grade. Furthermore, by getting exam feedback before the final exam, you increase the odds you will do better on the final. Other than consequences for honor code violations, skipping or not passing the midterm will not change your final course score.

It takes me a long time to grade papers during the busy semester, but I will try to return the midterms and evaluation memos 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.

Short Papers.

Paper #1: Write a paper applying some aspect of Internet Law to a real-life experience. This might be a first-hand experience you've had or a news item during the semester that piques your interest. You'll maximize the value of this paper if you use it to practice your application of the course's legal principles to real-life situations. If they would help, include screenshots. I don't have a mandatory minimum or maximum word count limit for this paper, but I encourage you to target between 500-1,000 words.

Paper #1 is due no later than December 17 at noon. However, if you submit paper #1 before November 16, I will try to return it with my comments before the exam window begins. Paper #1 will count 10% towards your final numerical score.

Here are some topic ideas, but please don't feel limited to these:

- Critique the contract formation process of a popular website or your favorite website.
- Discuss when a website removed content of yours, or you tried to access content that had been removed unexpectedly.
- Discuss when a website engaged in activities you felt violated your privacy.
- Talk about a problem with a purchase in an online marketplace like eBay.

If you want, I'm happy to approve a topic in advance. Just email me a sentence or two. I have an expansive view of topics that would be appropriate. Please don't reveal anything about yourself that I would need to report on a Character & Fitness questionnaire or where you broke the law if it's within the applicable statute of limitations.

Paper #2: Answer the following question and explain why: “The thing that surprised me most about Internet Law is...?” Please limit your response to 750 words or less. Paper #2 is due no later than December 17 at noon. Paper #2 will count 20% towards your final numerical score.

Paper Grading. I will grade short papers on a 0-3 point scale. I expect almost all papers will get a 2 (roughly, “met expectations”). I occasionally award 3s for papers that exceed my expectations and 1s for papers that didn’t meet my expectations because I feel (in my sole and arbitrary judgment) that the paper was executed rotely or perfunctorily. 0s are for process violations. I don’t normally write a lot of comments on each paper.

Midterm/Short Paper Submission Procedures. Please submit your paper to the applicable submission page in Camino. Please upload PDF files unless that’s not possible. Include your name and a word count in your paper. Camino will automatically shut down the possibility of submitting your paper at the deadline. As a result, if your paper is late by even one minute (per Camino’s clock), you will automatically receive a zero on that paper. **NO EXCUSES.**

Final Exam. The final exam will count 70% towards your final numerical score. The final exam will be a take-home exam with probably 1 essay question and a maximum word count. I expect you will be able to checkout and return your exam electronically through Examsoft. The earliest checkout time will be December 3 at 10:00 am and the latest check-in time will be December 17 at noon. The Examsoft timestamps are irrefutable evidence of the checkout and check-in times. Make sure you get confirmation that your answer successfully uploaded to Examsoft.

You will have 73 hours to complete the exam, starting from the time you download it. You will not need such a long time. 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).

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 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 upload their answer 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 record all course sessions (except guest lectures) and make the audio recordings available via 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. I am regularly in my office between 9:30 and 6 M-F. Drop by at your convenience, or email me a few times that would be convenient for you and we’ll schedule an appointment.

6. READINGS. We will follow the course reader's table of contents. For the first week, read the *Reno* and *Noah* cases (pages 1-27). 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.

Eric Goldman

Santa Clara University School of Law

500 El Camino Real, Bannan 200K

Santa Clara, CA 95053

Phone: 408-554-4369

Email: egoldman@gmail.com [I auto-forward emails sent to my egoldman@scu.edu address, which sometimes introduces a delay, so my Gmail account is always the fastest way to reach me]

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>.