



Internet Law (Law 793)
Professor Eric Goldman
Fall 2019

1. SESSIONS. We'll meet Tuesdays and Thursdays 9:00 to 10:20 am, from August 20 to November 26, in Charney 104. (Yes, we will meet on the Tuesday before Thanksgiving—plan accordingly). We will have a guest lecture on November 7. We won't meet on October 1 (Rosh Hashanah) and October 15 (Fall Recess). An optional review session will be on December 2, noon to 1:30, in Charney 104. All times in this syllabus are Pacific time, and all dates are 2019.

2. BOOK. Download the casebook PDF for free from <https://camino.instructure.com/files/2865928/download>. If you prefer a hard copy (as I do), print the PDF or buy it for \$22 + shipping (if any) from <https://amzn.to/312pTD8>.

3. EXPECTATIONS AND ASSESSMENT.

Attendance. In-class interactions with your peers 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 asking me to excuse it. I excuse absences rarely; and job interviews don't get an excuse (but they are good news!). Your sixth unexcused absence will reduce your final course grade a lot. At my option, I may drop you from the course or give you an F upon a seventh unexcused absence. I award a small “perfect attendance” prize to students who attend every class session.

Each class session, I will circulate a sign-in sheet. Make sure to sign it before I leave the room. **IF YOU COME TO CLASS BUT DON'T SIGN IN, IT WILL COUNT AS AN ABSENCE.**

Short Papers. Writing is an integral part of this course. The short papers are designed to help you reflect on the course material and your experiences in the course. Please don't do any outside research for the papers. In your papers, please don't reveal anything that I would need to report on a State Bar Character & Fitness questionnaire or that indicates you broke the law if it's within the applicable statute of limitations.

Paper #1: Why are you taking this course, and what outcomes are you hoping to achieve? Paper #1 is due August 24 at noon. However, I strongly prefer it if you to complete this paper prior to the first day of class. If you are not enrolled in the course by August 23 at noon, then your paper is due by August 27 at 9:00 am.

Paper #2: Download the Harvard Law School case study, “Algorithmic Allegories (v1.0)” from <https://casestudies.law.harvard.edu/algorithmic-allegories-version-1-0/>. You will need to create a free account to access the case study, but it will not cost any money to download. The case study contains six hypothetical cases. Pick ONE of the six hypothetical cases and answer it in 500-1,000 words. Paper #2 is due September 6 at noon.

Paper #3: Write a paper applying the Internet Law rules we've covered in class to a first-hand experience of yours. Here are some ideas for possible topics, but don't feel limited to these:

- Critique an online service's contract formation process that you went through.
- Discuss when a website removed your content, you tried to access content that had been removed unexpectedly, or you tried to remove content from a website that you felt violated your rights.
- Discuss when a website engaged in activities you felt violated your privacy.
- Discuss a purchase in an online marketplace (like eBay/Amazon Marketplace, Airbnb or Uber/Lyft) that went wrong.

If you absolutely can't think of any personal experiences to write about, then apply Internet Law to a recent news event you find interesting. Paper #3 should be between 500-1,000 words, and feel free to include screenshots. Paper #3 is due November 25 at 5:00 pm.

Paper #4: Review your Paper #1 and then write a paper about whether your course outcomes matched your ambitions. If not, what steps could you or I have taken to improve your outcomes? Paper #4 is due December 15 at 5:00 pm.

Paper #5: Answer the following question and explain why: "The one thing that surprised, frustrated, or angered me most about Internet Law is..." This paper has a word count cap of 750 words. Paper #5 is due December 16 at noon.

Paper Grading. I will grade all short papers on a 0/1/2 scale, except that I will grade paper #5 on a 0/1/2/3 point scale. Almost all papers will get a 2, which signals that your paper met my expectations. Historically, I've given 3s to about 5% of paper #5s. 1s are for papers that didn't meet my expectations because I feel (in my sole judgment) that the author did not use the paper as a reflective tool. 0s are for process violations or late papers. I normally don't write a lot of comments on each paper.

Midterm. The midterm exam will be a one-question take-home essay exam with a word count cap. The midterm's procedural rules will resemble the final exam rules discussed below, including the fact that late submissions automatically get a zero. The midterm will be available October 10 at noon and your answer is due no later than October 15 at 5:00 pm.

I will route your answer to a peer and a peer's answer to you. To complete the midterm project, you will write a short evaluation memo of your peer's midterm answer. I'll provide specific parameters for the evaluation memo at that time. I anticipate most evaluation memos will be 500 words or less. The evaluation memo is due to me by October 21 at 5:00 pm. When I have finished grading the project, I will return your midterm to you with my comments and your peer's evaluation memo.

The midterm project will be scored on a 0/2/4 point basis. All completed and timely projects will get a 4, irrespective of their substantive correctness, unless there are process violations (such as violating the Academic Integrity policy/pledge or the midterm's rules). I will give a score of 2 if

I, in my sole discretion, feel you didn't take the project seriously. 0 is for process violations or late projects.

I expect to return the graded midterms and evaluation memos before Thanksgiving. My written comments may be sparse, but I will also provide a sample answer.

Midterm/Short Paper Submission Procedures. Please make each submission to the designated submission page in Camino. I greatly prefer PDFs over Word files! Include your name and a word count on each submission. At each deadline, Camino will automatically shut down the submission functionality. If your paper is late (even by one minute per Camino's clock), you will get a zero on that submission. NO EXCUSES.

Multiple Choice Exam. You must complete a multiple choice exam, currently consisting of 31 questions, by December 1 at 5:00 pm. The multiple choice exam is open book and open notes, and you can take as long as you want to complete it. You can access the exam at https://docs.google.com/forms/d/e/1FAIpQLSfHoxRS8_gms018tgdsunQxd2pqrkCFt5cb51btzGe2EBfHYw/viewform. The multiple choice exam will be scored on a 0/2 basis. You'll get a 2 by timely completion of all of the questions, regardless of how many of the questions you get right, and including your SCU email address where specified. Because this is a brand-new course feature, I'd be grateful for your comments/feedback on the questions!

Final Exam. The final exam will have a maximum potential point value of somewhere in the range of 40 points. The final exam will be a take-home exam with 1 or 2 essay questions and a maximum word count. You will checkout and return your exam electronically through Examsoft. The earliest checkout time will be December 4 at 10:00 am and the latest check-in time will be December 16 at noon. The Examsoft timestamps are irrefutable evidence of your checkout and return times. Make sure you get confirmation that your answer successfully uploaded to Examsoft.

You will have no more than 73 hours to return your answer, starting from the time you download the exam. Writing your answer will require much less time than that. I expect additional work after the sixth or seventh hour will not materially improve your exam grade (or may counterproductively reduce it).

I do not accept late exams, period. **YOU WILL FAIL THE COURSE IF YOUR EXAM IS NOT RETURNED ON TIME—EVEN IF YOU ARE LATE BY LESS THAN A MINUTE.** NO EXCUSES. For example, you will fail the course if the deadline is imminent and, as you try to upload your wise and insightful answer, your computer spontaneously shuts down, your neighbors are watching porn videos on a shared Internet connection, or you experience any other seemingly unexpected technological snafu that represents Murphy's Law in action. As a result, only risk-seeking or foolish students will upload their answer close to their deadline.

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).

I cannot answer substantive questions after the exam period opens on December 4. Please plan your exam prep accordingly.

4. RECORDINGS. I plan to make and post audio and video recordings of all course sessions (except any guest lectures). If you have any concerns about this, please let me know ASAP.

5. OFFICE HOURS. I am typically in my office 9-6 M-F. Drop by at your convenience. I keep my office door closed to reduce the noise I impose on students studying in the library, so just knock! Or, email me a few convenient times to meet and we'll schedule an appointment.

6. READINGS. For week #1, read pages 1-27 of the casebook and do paper #1. I'll announce subsequent weeks' readings at the end of each Thursday's session. Note: the book's table of contents links to various statutes and rules. I expect you to be familiar with that material for the exam.

7. LEARNING OBJECTIVES. My objectives for students taking this course:

- Learn the basic nomenclature and concepts of Internet technology.
- Understand Internet exceptionalism and some arguments for and against it.
- Learn the basic nomenclature and doctrinal principles of Internet law.
- Practice brainstorming business options and evaluating the pros/cons of those options.
- Practice writing about Internet law topics in different formats.
- Consider the theoretical and practical dilemmas that arise when applying laws to rapidly developing technologies, and develop practical ways to cope with these dilemmas.

8. CONTACT INFORMATION.

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You can keep up with Internet law developments at my blog [<http://blog.ericgoldman.org>] and on Twitter [<https://twitter.com/ericgoldman>]. More course-related materials are available at [<http://www.ericgoldman.org/cyberlaw.html>].

CALENDAR RECAP

(check the syllabus for exact times)

August 20: Class #1
August 22: Class #2
August 24: Paper #1 due
August 27: Class #3 (and Paper #1 due for class enrollees after August 23 at noon)
August 29: Class #4
September 3: Class #5
September 5: Class #6
September 6: Paper #2 due
September 10: Class #7
September 12: Class #8
September 17: Class #9
September 19: Class #10
September 24: Class #11
September 26: Class #12
October 1: NO CLASS
October 3: Class #13
October 8: Class #14
October 10: Class #15 and midterm distributed at noon
October 15: NO CLASS but midterm due
October 17: Class #16
October 21: midterm peer critique due
October 23: Class #17
October 29: Class #18
October 31: Class #19
November 5: Class #20
November 7: Class #21 (guest lecture)
November 12: Class #22
November 14: Class #23
November 19: Class #24
November 21: Class #25
November 25: Paper #3 due
November 26: Class #26
December 1: Multiple choice exam due
December 2, noon: Review Session (optional)
December 4: Final Exam download window opens and last chance to ask substantive questions
December 15: Paper #4 due
December 16: Paper #5 due and Final Exam upload window closes

Additional Disclosures

Academic Integrity

Honesty and integrity are qualities that are essential to the legal profession. Students preparing to enter this profession must conduct themselves in accordance with these qualities in all of their professional activities, including with respect to the School of Law. Accordingly, law students shall act with honesty and candor, and shall fulfill obligations of good faith and fair dealing in their relations with their peers, University faculty and staff, and the professional legal community at large. The Academic Integrity Policy [<http://law.scu.edu/bulletin/academic-integrity-policy/>] spells out the School of Law's expectations for law students in this regard.

Further, the University's Academic Integrity pledge is an expression of the University's commitment to fostering an understanding of – and commitment to – a culture of integrity at Santa Clara University. The Academic Integrity pledge, which applies to all students, states:

I am committed to being a person of integrity. I pledge, as a member of the Santa Clara University community, to abide by and uphold the standards of academic integrity contained in the Student Conduct Code.

Students are expected to uphold the principles of the Law School Academic Integrity Policy and the SCU Academic Integrity pledge for all work in this class.

Disabilities Resources

If you have a disability for which accommodations may be required in this class, please contact Disabilities Resources [<http://www.scu.edu/disabilities>], Benson 216, as soon as possible to discuss your needs and register for accommodations with the University. All accommodations are provided through the Office of Disabilities Resources.

Disabilities Resources must be contacted in advance to schedule proctored examinations or to arrange other accommodations. For more information you may contact Disabilities Resources at (408) 554-4109.

Accommodations for Pregnancy and Parenting

In alignment with Title IX of the Education Amendments of 1972, and with the California Education Code, Section 66281.7, Santa Clara University provides reasonable accommodations to students who are pregnant, have recently experienced childbirth, and/or have medical needs related to childbirth. Pregnant and parenting students can often arrange accommodations by working directly with the Law Student Services Office. Alternatively, a pregnant or parenting student experiencing related medical conditions may request accommodations through Disability Resources.

Discrimination and Sexual Misconduct (Title IX)

Santa Clara University upholds a zero-tolerance policy for discrimination, harassment and sexual misconduct. If you (or someone you know) have experienced discrimination or harassment, including sexual assault, domestic/dating violence, or stalking, I encourage you to tell someone promptly. For more information, please consult the University's Gender-Based Discrimination and Sexual Misconduct Policy

[<https://www.scu.edu/media/offices/student-life/policies/GenderBasedDiscriminationandSexualMisconductPolicyPublication.pdf>] or contact the University's EEO and Title IX Coordinator, Belinda Guthrie, at (408) 554-3043, bguthrie@scu.edu. Reports may be submitted online through

[<https://www.scu.edu/osl/report/>] or anonymously through Ethicspoint

[<https://www.scu.edu/hr/quick-links/ethicspoint/>].