

# Santa Clara University

## Social Networking Sites and Blogs

Prof. Eric Goldman

Director, High Tech Law Institute

<http://www.ericgoldman.org> • <http://hightechlaw.scu.edu>

[egoldman@gmail.com](mailto:egoldman@gmail.com)

# Introduction

- Blogs and social networking sites are yet more networked communication media
- Most problems come from people trying to maintain multiple self-identities across different social networks

# Social Networking Sites

- **Defined**

- “A social network service uses software to build online social networks for communities of people who share interests and activities or who are interested in exploring the interests and activities of others” (Wikipedia March 2008)
- KIDS Act of 2008: “an Internet website (i) that allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users; and (ii) that offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and (iii) whose primary purpose is to facilitate online social interactions.”
- NJ AB3757 (proposed): “a website which is accessible to third parties and on which users under the age of 18 located in New Jersey may post personal information and through which third parties may communicate with such users.”

- **Examples: Facebook, MySpace, LinkedIn, YouTube (?)**

# Social Networking Sites

- Key attributes

- Profile information
- Intra-user communication tools
- Publication tools


- Why I like SNSs

- Water cooler talk
- Content publication to my social network



[View Photos of Me \(18\)](#)

[Edit My Profile](#)

Enjoying another beautiful day in California! 

## Information

Networks:  
Silicon Valley, CA  
Santa Clara Faculty

Relationship Status:  
Married to  
[Lisa Goldman](#)

## Friends

439 friends [See All](#)

**Eric Goldman** Blog Post: Soccer Coach Shut Out in Message Board Lawsuit--Joyner v. Lazzareschi <http://bit.ly/E1DJH>. via [Twitter](#) - 2 hours ago [clear](#)

[Wall](#) [Info](#) [Photos](#) [Boxes](#) [Notes](#) [+](#)

Write something...

[Eric + Friends](#) [Just Eric](#) [Just Friends](#) [Settings](#)



**Eric Goldman** Blog Post: Soccer Coach Shut Out in Message Board Lawsuit--Joyner v. Lazzareschi <http://bit.ly/E1DJH>  
9:38am · [Comment](#) · [Like](#) · via [Twitter](#)



**Eric Goldman**



Eric favorited [Sony SL-7200 Betamax Commercial #2 - 1977 on YouTube](#)

[YouTube](#) 11:08pm · [Comment](#) · [Like](#)



**Dustin Sullivan** at 7:22am March 23

It's funny they would advertise this using sports as an example -- I'm sure there were plenty of disappointed fans (esp. baseball) who missed the ends of their games because the betamax could only record 2 hours.



**Eric Goldman** at 7:33am March 23

That's a good point--I had that happen to me with the VCR myself. Eric.

Write a comment...



**Eric Goldman**

# Blogs

- Defined: “website where entries are commonly displayed in reverse chronological order” (Wikipedia March 2008)
- Key attributes
  - Postings in reverse chronological order
  - RSS feed
  - No third party editors
- Twitter: microblogging site (140 characters max)

Home

Biography

Tech & Marketing Blog

Goldman's Observations Blog

Writings

Presentations

Classes

Resources

Contact

# Technology & Marketing Law Blog

March 23, 2009

Soccer Coach Shut Out in Message Board Lawsuit--Joyner v. Lazzareschi

By Eric Goldman

[Joyner v. Lazzareschi](#), 2009 WL 695539 (Cal. App. Ct. March 18, 2009)

Joyner is a Southern California soccer coach who merged two girls soccer teams into one, a decision that sparked a near-riot in the local girls soccer community. In particular, the discussion got hot-and-heavy on [socalsoccertalk.com](#) (a site currently offline), operated by defendant Lazzareschi. [Socalsoccertalk.com](#) had 600+ members and got 200-500 messages per day--including allegedly a total of over 2,000 messages about the team merger. A number of allegedly defamatory messages about Joyner were posted by unregistered "guests," although Joyner claimed that Lazzareschi posted some of those messages. Joyner sued Lazzareschi and a variety of Doe defendants for defamation and related torts.

The trial court initially granted Lazzareschi's anti-SLAPP motion, but in a [prior ruling](#) the appellate court reversed because the lawsuit lacked the requisite public interest. The trial court subsequently granted summary judgment for Lazzareschi, and this ruling deals with Joyner's appeal.

Like the recent [Raggi v. Las Vegas Metropolitan Police](#) case I blogged about last week, this is an easy case for 47 USC 230. We all know that message board operators aren't liable for third party posts to the boards. To get around the 230 brick wall, Joyner invokes Moreno's concurrence in [Barrett v. Rosenthal](#), arguing that Lazzareschi was in a conspiracy with the posters and 230 doesn't preempt conspiracy liability. However, Joyner didn't allege conspiracy in the complaint or introduce any evidence supporting a conspiracy, so these arguments fell flat.

Joyner also tries to exploit the ambiguous language in [Roommates.com](#). (FWIW, this is a

Ads by Google

## [Insurance Claim Attorneys](#)

We Represent  
Clients Through Out  
CA Call Us For A  
Free Consult Now!  
[1-800-446-7529](tel:1-800-446-7529).[KantorL](#)

## MARCH 2009

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	<a href="#">3</a>	<a href="#">4</a>	<a href="#">5</a>	<a href="#">6</a>	7
8	<a href="#">9</a>	10	<a href="#">11</a>	<a href="#">12</a>	<a href="#">13</a>	14
15	<a href="#">16</a>	<a href="#">17</a>	<a href="#">18</a>	<a href="#">19</a>	<a href="#">20</a>	21
22	<a href="#">23</a>	24	25	26	27	28
29	30	31				



**ericgoldman**

**Name** Eric Goldman  
**Location** Mountain View, CA  
**Web** <http://www.ericgo...>  
**Bio** Associate Professor, Santa Clara University School of Law

23 following | 286 followers | 310 updates

## Blog Post: Soccer Coach Shut Out in Message Board Lawsuit--Joyner v. Lazzareschi <http://bit.ly/E1IJH>

*about 3 hours ago from web*

The Facebook status reports page is inconsistent with saving a TV show on DVR to watch later--too many spoiler status reports!

*8:48 PM Mar 21st from web*

Blog Post: Union Isn't Liable for Members' Postings to Union Message Board--Raggi v. Las Vegas Police <http://bit.ly/ZTN6R>

*12:29 PM Mar 20th from web*

I believe the correct conjugation is "twittered" or "tweeted." "I've twatted" is wrong...VERY WRONG. <http://bit.ly/uYw8a>

*10:21 PM Mar 19th from web*

East Bay Express goes after Yelp a second time--this time with attributed sources. <http://bit.ly/laC1>

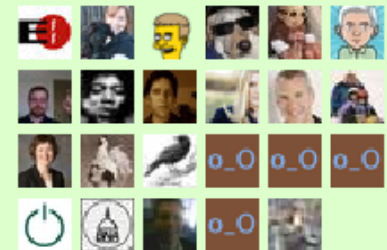
*4:17 PM Mar 19th from web*


Blog Post: IEEE ComSoc SCV Talk: "Engineers' Role in Internet Law Development" <http://bit.ly/RT10>

### Updates

### Favorites

### Following



 [RSS feed of ericgoldman's updates](#)

# Life as a Blogger

- **Blogging stats**
  - > 1400 posts in 4 years
  - Over 1,000 subscribers; ~25k unique visitors/mo
  - Readers from > 200 countries
- **What blogging means to me**
  - Immediate publication to established audience
  - Staying current
  - Reader tips/conversations
  - Press coverage
  - New clients
- **But blogging as a bet-my-house proposition**



# Where to Find Me

- Professional blog: <http://blog.ericgoldman.org>
- Personal blog: <http://blog.ericgoldman.org/personal>
- Facebook: <http://www.facebook.com/profile.php?id=20304055>
- Twitter: <http://twitter.com/ericgoldman>
- Everything: <http://friendfeed.com/ericgoldman>