Social Networking Sites and Blogs

Prof. Eric Goldman
Director, High Tech Law Institute
http://www.ericgoldman.org • http://hightechlaw.scu.edu
egoldman@gmail.com
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
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)
March 23, 2009

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

By Eric Goldman


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
Blog Post: Soccer Coach Shut Out in Message Board Lawsuit--Joyner v. Lazzareschi [link]

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 [link]
12:29 PM Mar 20th from web

I believe the correct conjugation is "twittered" or "tweeted." "I've twatted" is wrong...VERY WRONG. [link]
10:21 PM Mar 19th from web

East Bay Express goes after Yelp a second time--this time with attributed sources. [link]
4:17 PM Mar 19th from web

Blog Post: IEEE ComSoc SCV Talk: "Engineers' Role in Internet Law Development" [link]
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](http://blog.ericgoldman.org)
- Personal blog: [http://blog.ericgoldman.org/personal](http://blog.ericgoldman.org/personal)
- Twitter: [http://twitter.com/ericgoldman](http://twitter.com/ericgoldman)
- Everything: [http://friendfeed.com/ericgoldman](http://friendfeed.com/ericgoldman)