Internet and Online Law

This course studies the ways that technology and the information economy challenge our understanding of traditional legal rights. Internet Law (a/k/a “Cyberlaw”) is not merely computer law; it comprises a broad cross section of legal fields, including intellectual property, property, privacy, free speech, and administrative law, among others. This course addresses all of these topics, questioning whether the evolution of the Internet more than merely challenges how we apply pre-existing legal institutions and rules to the new resources and conflicts in this new domain. The Internet—and its progenitor in the digital revolution—poses a fundamental question for lawyers, legislators and judges: Are pre-existing common-law or statutory doctrines as antiquated now as the horse and buggy, the vacuum tube radio, and the rotary telephone? If so, then what is the appropriate legal response to digital conflicts and problems, or should this new domain be left free of legal control or regulation?

LOGISTICS

1. Attendance and Class Preparation

Students are responsible for complying with GMU’s regulations regarding attendance. I will take attendance. If you are tardy, it will be counted as an absence unless you tell me to mark you as present before I leave the classroom at the end of class. Two tardies will equal one absence.

2. Grade

Grades will be based on a final exam with modifications for classroom performance and participation in discussions in the Cyberlaw Current Events forum on TWEN.

Class discussion and discussion on TWEN is important, because active engagement with the law and policies we are studying is essential to learning in law school. Class and TWEN participation is taken into account in making small changes in grades, raising grades for consistently substantive participation in class discussion or lowering grades for chronic lack of preparation or unprofessional conduct. At a minimum, classroom and TWEN participation is used to make decisions on the margins.

3. Final Exam

The final exam will consist of essay questions, although the exact format remains to be determined. If past practice means anything, my past exams comprised short answer and short essay questions. The exams were three hours, plus an extra one-half hour for reading the exam and outlining answers.
4. Technology Issues

**TWEN**

Students are required to register for this class at the TWEN site. (For those who may not have used TWEN yet, go to lawschool.westlaw.com, click on the TWEN link and follow the instructions.) I will post announcements, updates to the syllabus, and supplemental class materials to the TWEN site. If you do not register with your current email address, you risk not receiving class notices, changes to the syllabus, and whatnot. “I forgot to register at TWEN,” is not a valid affirmative defense against applying the grading rules.

**Computers in the Classroom**

Students may use computers or handheld devices for taking notes. Although I love computers and fully embrace everything that they do for us, I do not plan on using TWEN or the Internet during class. There may be some exceptions to this default rule, and in those situations in which a quick reference to a website or some other Internet resource is necessary, we’ll do so. Otherwise, computers should be used solely for note-taking.

Depending on the recidivism of a student who insists on surfing the net during class, I reserve the right to ban the student from using a computer in class for the rest of the term. The same applies to playing games or using computers for any purpose other than note-taking, such as, but not limited to, instant messaging, posting to Facebook, blogging, or planning your next vacation. Such extraneous computer activities ensure that you will do worse in this course than you expect, and they are also unprofessional because they are disruptive to your fellow classmates sitting next to and behind you.

**Recording of Class Lectures**

Students do not have permission to record class lectures. If there is a particular reason to do so, such as missing class for a medical or family emergency, please speak with me.

5. Office Hours

I will remain in the classroom after each class meeting to answer questions, and I have an open door policy for students. (If my door happens to be closed, please knock and let me know that you are there.) Please feel free to stop by whenever you’d like or make an appointment, as I am in my office regularly throughout the workweek.

My “official” office hours are: 3:00 – 5:00 pm on Wednesdays or by appointment.
6. Miscellany

I RESERVE THE RIGHT TO CHANGE THE SYLLABUS AND ANYTHING ELSE DISCUSSED HERElIN, except those policies pertaining to attendance and grades, which will be set in stone by the first class.

READINGS

The required text is Ku & Lipton, Cyberspace Law (3d ed. 2010) [“K&L”]. Supplemental reading materials, both required and optional, will be made available to students on TWEN.

Please see the document, “Class Schedule – Reading Assignments,” for the assignments for each class meeting.