

INTERNET LAW

LAW 6930, SEC. 24563

3 CREDIT HOURS

FALL 2023

HOLLAND HALL 285C

TUESDAYS: 1:45 PM – 3:10 PM

FRIDAYS: 1:15 PM – 2:20 PM

Professor Rachael L. Jones

Email: jones@law.ufl.edu

Office Phone: 352-273-0956

Office Location: Holland 368D

OFFICE HOURS:

My scheduled office hours are **Tuesdays and Thursdays from 3:15pm to 5:15pm**. I am also able to set office hours by appointment. I will hold extended office hours during the weeks before assignments are due, or when quizzes are scheduled. Please refer to the Canvas page for further information regarding office hours.

Please do not hesitate to contact me to schedule a meeting or with questions. I try to respond to emails quickly, but if you do not receive a response from me within 24-hours, send a follow-up “bump” email.

COURSE WEBSITE: <http://elearning.ufl.edu/> You are responsible for reviewing the page for course updates and for accessing course content.

REQUIRED TEXT:

Grimmelmann, *Internet Law: Cases and Problems* (12th ed., Semaphore Press)

- ➔ This required text is available for download only at www.semaphorepress.com. The digital version costs \$30. You may purchase a printed, bound version of the book via Amazon or the Law School Bookstore. The printed version costs between \$50-\$70. Note: You are permitted to print you PDF version if you so choose, too.

Additional Readings shall be provided via Canvas or physically in class.

COURSE OVERVIEW:

COURSE DESCRIPTION:

The development of the Internet and, more recently, Internet-based applications such as Facebook and Twitter have generated new types of communication across the globe. These newer media promote free speech and association by allowing speakers to instantaneously communicate information, thoughts, and ideas to mass audiences and, at times, to mobilize those audiences to action. But the same characteristics that enable these new media to foster expressive freedoms can magnify the potential for conflicts between free speech and other values, such as privacy and the rights of individuals to be free from defamation, harassment, or bullying. The ubiquity of these new media increases the opportunities for disruptive speech to invade homes, schoolrooms, workplaces, and even courtrooms. In addition, many social media environments prize informality and instantaneous information sharing and responses, which further increase the likelihood of clashes between social media speech and other social values. Courts, policymakers, and law enforcement officials around the globe struggle to resolve these clashes, both by adapting existing legal remedies and by developing new ones.

Some themes of the course include:

1. Does going online increase or decrease government control? In other words, when people go online, how is the government's ability to regulate, legislate, or enforce legal remedies affected?
2. How should/does the power of online intermediaries affect regulation, legislation, or enforcement?
3. Does the Internet reduce offline inequalities or create new inequalities (or both)? How should the law respond?
4. Does legislation/regulation/liability threaten the innovation unleashed by the Internet?
5. What are the distinctive attributes of online environments must be taken into account when crafting legislation/regulation or enforcing existing laws?

COURSE OBJECTIVES:

Upon completion of this course, you should be able to:

- Understand the basic nomenclature and concepts of Internet technology;
- Apply the basic doctrinal principles of Internet law (as it currently stands);
- Consider and understand the theoretical and practical dilemmas that arise when applying laws to rapidly developing technologies, and develop practical ways to cope with these dilemmas;
- Understand the constitutional, statutory, and jurisdictional constraints technology places on the law's application; and
- Recognize, analyze, and solve legal issues presented in cyber contexts.

COURSE POLICIES:

ATTENDANCE POLICY:

You are required to attend class weekly. Attendance will be taken for each class. You are permitted to miss two (2) class periods without penalty. **Missing more than two (2) class periods may result in a reduction of your final grade. Missing more than six (6) classes will result in a failing grade in the course.**

If you know you will be absent, you must notify me in writing. You may email me regarding your absence; make sure the subject line reads “Absent from Internet Law” with the date of the missed class. Remember: **you are responsible** for finding out what you missed in class, handing in assignments on time, and obtaining any handouts or assignments.

You will be marked absent if you are more than 15 minutes late to class. Excessive tardiness will also result in a grade penalty. If you must arrive to class late, please do so quietly and sit in the back of the classroom to avoid distraction to your fellow classmates.

CLASS/ASSIGNMENT POLICIES:

Class Preparation

You **MUST TO READ FOR EACH CLASS**. If reading is assigned, it is important and will be essential for success in the course. In some instances, I will selectively omit some sections of the book for time/course purposes. It is imperative that you read and refer to the syllabus for the readings that correspond to each week, as I will update it as we progress. **All assigned reading is mandatory** unless specifically noted otherwise.

You should expect to spend, on average, approximately two (2) hours preparing for every one (1) hour of class. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Internet Law has three “classroom hours” of in-class instruction each week, requiring at least six (6) hours of preparation outside of class. Accordingly, you will have about 60 pages of reading each week. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written preparation, you should spend at least one hour on every 10-15 pages of reading.

If extenuating circumstances prevent you from adequately preparing for class or reading course material, please speak with me directly before class.

Class Participation

Participation grades are based on class preparation, class participation (both online and in person), successful completion of all assignments, active participation in small group discussions or activities, and completion of any quizzes.

Late Assignments

Late assignments **will result in your grade will be lowered by one grade increment per day**. An assignment will **not** be accepted if it is more than three (3) days late.

For writing assignments other than your final exam, if you have an extraordinary circumstance outside of your control, please contact me in advance of the deadline or, if the emergency prevents you from doing so, as soon as possible thereafter. **Contacting me does not guarantee a particular result.** You should foresee and anticipate any computer and electronic platform problems, internet connectivity issues, car trouble, traffic, and the like. Please plan your time accordingly. To maintain anonymity in the grading process, any such requests related to the final project should be made to Student Affairs, not to me.

Professionalism

As you are upperclassmen and future attorneys, I shall treat you as such. I always expect professionalism. Each class, assignment, quiz, reading, and project is important and should be given the time and attention necessary. Be polite and courteous to your classmates. Keep your cell phone OFF during class. Only use your computer for notetaking or class purposes. Respect my time, and yours as well.

Plagiarism

All work in this class must be your own. You may discuss cases and ideas; however, you may **only** show your written work product for individual assignments to me.

Plagiarism is a very serious offense. Plagiarism is also an honor code violation. The university maintains a robust policy on plagiarism, which details what constitutes plagiarism in your student handbook. Ignorance of the university's policies is not a defense to a charge of plagiarism.

Formatting Requirements for Writing Assignments

You must format your assignments correctly. For any and all class assignments, please refer to the assignment instructions for specific formatting requirements. Otherwise,

documents should conform to the following: the right margin should not be justified, page numbers should be located at the bottom center of each page except the first (which should have no page number), and the text should be double-spaced, except for the headings (which should be single-spaced). You must use Times New Roman font, size 12.

A Word about Words

A common phrase I often employ when teaching First Amendment Law is “the First Amendment doesn’t care about your feelings.” I say this because when you study the First Amendment, including cyber-speech topics, indecency, libel and the like, you **WILL** encounter some rough or disfavored language, including profanity, that is quoted in court opinions and subject to legal analysis. In this course, you shouldn’t encounter anything too severe, but be warned that the readings will include some words, topics, etc. that might be considered offensive, generally. Such speech will be treated delicately and in an appropriate matter. However, please be advised that you may encounter such speech while reading First Amendment case law.

RECORDING POLICY:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. **Specifically, students may not publish recorded lectures without the written consent of the instructor.**

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the

publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

COMPUTER POLICY:

Although this is an Internet Law course, I strongly advise you to take notes by hand. Electronic devices (such as laptops or tablets and keyboards) may be used for notetaking purposes and for in-class assignments only. **Cell phones must be placed on silent mode and remain stowed away during class time.**

ZOOM POLICY:

Please comply with the following during Zoom sessions:

- Cameras are required to remain ON during the entire session.
- Use the “Raised Hand” button under the Chat icon to ask questions during a session.
- Please dress appropriately—as you would during an in-person class—during Zoom sessions.

DISCOURSE, INCLUSION, AND THE CLASSROOM ETHOS:

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personal and professional identities, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- give feedback thoughtfully
- listen carefully and respectfully
- reserve the right to change our mind and allow for others to do the same
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

PREFERRED NAME/PRONOUNS:

It is important to the learning environment of the class that each of you feel welcome. I would like to call you by your preferred name and pronouns. If your preferred name is not the name used in our UF records, please let me know in a manner that is most comfortable to you (email, in person, etc.) Regarding online course tools, you may change your “Display Name” in Canvas. To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the

right of the name panel, uncheck "Use my legal name" under "Display Name," enter the name you would like displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. Changing your display name will not change your legal name for official UF records.

GRADING POLICIES:

GRADE CALCULATION:

- 75%** Final Exam
- 20%** Two In-Class Quizzes
- 5%** Participation (Attendance, Class Engagement, Class activities, etc.)

QUIZ/EXAM POLICY:

This course has one Final Exam, which shall be disseminated and due during the Fall Exam Period. Details regarding the Final Exam shall be provided closer to the exam date. The final exam will be at least three (3) hours long. The exam will consist of essay-style questions that you must answer in the limited space provided. The exam is open book and must be done on your own without talking to or consulting with anyone. Grading is strictly anonymous. **The current exam date is 12/8/23.** You have been warned. Plan accordingly! The law school policy on exam delays and accommodations can be found [here](#).

There are two in-class quizzes for this course. Each quiz will consist of multiple choice and short-answer questions. These quizzes count toward your final grade and are designed to be a diagnostic for your comprehension throughout the semester.

GRADING POLICIES:

The bulk of your grade in my class shall be based on your performance on the final exam and the two in-class quizzes. The average of your two quiz scores shall count toward your final grade calculation.

In a very small number of cases, however, I am willing to raise by 1/3 (a "plus") the grades of students whose final exam grade does not reflect the performance I saw in class. Before I raise your grade on this basis, however, I must be confident that you deserve it. The more you participate in ways that demonstrate you have done the reading and the higher the quality of your participation (in class and in office hours), the greater my confidence will be in evaluating your class performance. It is **quality not quantity** that counts!

GRADING SCALE:

Grades are recorded permanently by the Office of the University Registrar. The grade point average (GPA) is determined by computing the ratio of grade points of semester hours of work attempted in courses in which letter grades are assigned. Students receive grade points according to the following scale:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

You may review UF Law's Grading Policies [here](#).

UF POLICIES:

UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES: Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

UNIVERSITY POLICY ON ACADEMIC MISCONDUCT: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

NETIQUETTE: COMMUNICATION COURTESY: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

UF POLICIES: Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course UF Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals OR via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

GETTING HELP:

Resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

Please note that UF Law respects students' [observance of religious holidays](#).

Please review this syllabus considering any known religious holy days you observe. If a holy day that you observe conflicts with one of our classes or an assignment deadline, **please notify me as early as possible** in the semester so that I can accommodate you. You will be excused from class or other scheduled academic activity to observe a religious holy day of your faith and will be permitted a reasonable amount of time to make up the material or activities covered in your absence. You will not be penalized due to absence from class or other scheduled academic activity because of religious observances.

COURSE SCHEDULE:

Disclaimer: **ASSIGNMENTS AND COURSE SCHEDULE (SUBJECT TO CHANGE)**

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

** denotes a UF Holiday

WEEK	DATE	READING/CLASSWORK
Week 1: Internet Law Overview	Tuesday, August 22	Classes begin. FIRST DAY ASSIGNMENT: Read Chapter 1 <i>Read Cyberspace and the Law of the Horse</i>
	Friday, August 25	-