

Cyberbullying

ESSAY QUESTION: Examine the newly-enacted New York law governing cyberbullying and analyze current research on cyberbullying prevention. How do we balance the First Amendment free speech rights of students with the need to prevent the harm (including death) to students who are the targets of cyberbullies?

OVERVIEW



It's 11:00 p.m.—OMG! Do You Know What Your Children Are Saying Online? Student Free Speech Rights in the Age of Facebook, Twitter and Other Social Media

Video excerpt of a presentation by the Committee on Media, New York State Bar Association Annual Meeting, 2011 (click [here](#))

OTHER RESOURCES



*New York's Cyberbullying Law goes into effect on July 1, 2013.
(Chapter 102 of the Laws of 2012)*

1. Chapter 102 of the Laws of 2012 (click [here](#))
2. Sponsor's Memorandum (click [here](#))
3. Press Release: Governor Cuomo Signs Legislation to Help Protect Students from Cyberbullying <http://www.governor.ny.gov/press/07092012cyberbullying>



Cyberbullying: Emerging Realities and Legal Challenges [webcast]

Panel I of the 2012 Missouri Law Review Symposium.

Speaker 2 [starts at 43:00]—controlling cyberbullying without violating the First Amendment

Speaker 3—New York's new cyberbullying statute

<http://law.missouri.edu/faculty/symposium/lawreview2012/index.html>



How Public Schools Can Constitutionally Halt Cyberbullying: A Model Cyberbullying Policy that Survives First Amendment, Fourth Amendment, and Due Process Challenges

Even where States have passed legislation dealing with cyberbullying, little direction is available on the type of cyberbullying policy schools should adopt. The author develops a model policy on cyberbullying that does not violate the students' First Amendment rights to free speech.

Pepperdine University Legal Studies Research Paper No. 2012/3 SSRN [[Link](#)]



Constitutionality of Cyberbullying Laws: Keeping the Online Playground Safe for Both Teens and Free Speech

In the absence of cyberbullying laws, victims can resort only to tort law and certain criminal laws aimed at related offenses. Legislators, however, should be wary of hastily and improvidently creating overly broad statutes that impinge upon the First Amendment.

<http://www.vanderbiltlawreview.org/articles/2010/05/King-Constitutionality-of-Cyberbullying-Laws-63-Vand.-L.-Rev.-845-2010.pdf>



Ravi Sentencing, Superior Court of New Jersey

www.youtube.com/watch?v=5rX-ebXIXSk

Digital Piracy

ESSAY QUESTION: One of the benefits of cyberspace is the ease with which we can maintain contact with our friends and share important aspects of our lives. However, sometimes the things we'd like to share are copyrighted artistic works and file-sharing would run afoul of copyright laws. How can we ensure that the rights of both the copyright owners and those of lawful download owners are fair and balanced?

OVERVIEW



UCLA Burke Center for International Relations International Online Piracy Panel [podcast]

<http://www.international.ucla.edu/burkle/news/article.asp?parentid=125748>

OTHER RESOURCES



Copyright Infringement and Enforcement in the USA: Research Note

This research note explores what Americans do with digital media, what they want to do, and how they reconcile their attitudes and values with different policies and proposals to enforce copyright online.

<http://piracy.ssrc.org/wp-content/uploads/2011/11/AA-Research-Note-Infringement-and-Enforcement-November-2011.pdf>



Statutory Damage Awards in Peer-to-Peer File Sharing Cases Involving Copyrighted Sound Recordings: Recent Legal Developments

While P2P file sharing technology could be used for legitimate purposes, P2P users most often copy and distribute digital files that contain copyrighted sound recordings, television shows, and motion pictures, without the permission of (or payment to) the copyright holders.

<http://www.fas.org/sgp/crs/misc/R41415.pdf>



Dimensions of P2P and Digital Piracy in a University Campus

Copyright industries are the main victims of illegal file sharing. Industry representatives claim that it costs billions of dollars in lost sales and causes thousands of lost jobs. The Digital Millennium Copyright Act has provisions limiting Internet Service Providers' (ISPs) liability under certain circumstances, but to obtain such "safe harbor" protection, ISPs must respond to subpoenas and provide identification of subscribers accused of violation.

http://users.ece.cmu.edu/~peha/dimensions_of_piracy.pdf



The Future of Music in a Digital Age: The Ongoing Conflict Between Copyright Law and Peer-to-Peer Technology

This article explains the issues that have surfaced as a result of the development of new technology and peer-to-peer networks, as well as civil lawsuits the recording industry has pursued against infringers.

<http://law.campbell.edu/lawreview/articles/28-2-195.pdf>



Sony BMG Music Entertainment et al. v Tenenbaum

<http://www.ca1.uscourts.gov/pdf/opinions/10-1883P-01A.pdf>

Privacy in Peril

ESSAY QUESTION Privacy is the power to control how much other people know about us. Few of us realize the extent to which our Internet activities are tracked or know that our digital footprints remain traceable, often for long periods of time. How can we balance our digital lives and our personal privacy?

OVERVIEW



Sounds of Science: Engaging Privacy and Information Technology in a Digital Age [podcast]

Explores how the threats to privacy are evolving, how privacy can be protected and how society can balance the interests of individuals, businesses and government in ways that promote privacy reasonably and effectively.

http://www.nap.edu/audioplayer.php?record_id=11896&n=0

OTHER RESOURCES



I Know Who You Are and I Saw What You Did: Social Networks and the Death of Privacy [podcast]

ABA Journal web producer Lee Rawles talks with Lori Andrews, author of *I Know Who You Are and I Saw What You Did: Social Networks and the Death of Privacy* about the lack of online privacy rights and the need for a social media constitution.

http://www.abajournal.com/books/article/podcast_episode_004/



Surveillance Society

David Shenk maintains that we are, without question, headed into a world in which—mostly by our choice—the minute details of our bodies, lives and homes will be routinely tracked and shared.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1490309/pdf/7400735.pdf>



Expectations of Privacy in Social Media

Stephen Henderson examines expectations of privacy in social media such as weblogs (blogs), Facebook pages, and Twitter tweets, and discusses the application of the governing constitutional law.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2018425



Protecting Consumer Privacy in an Era of Rapid Change

The Federal Trade Commission's final report setting forth best practices for businesses to protect the privacy of American consumers and give them greater control over the collection and use of their personal data.

<http://ftc.gov/os/2012/03/120326privacyreport.pdf>



Article on *Roberson v Rochester Folding Box Company* (click [here](#))

Government Surveillance

Essay Question: The right to be free of unwarranted search and seizure is enshrined in the Fourth Amendment of the U.S. Constitution, but new technologies, such as drones and smart phone GPS, have made widespread law enforcement and governmental surveillance of the American population possible. Is this technology eroding our Fourth Amendment rights and forcing us to change our expectations about privacy in public spaces?

OVERVIEW



Is GPS Tracking An 'Unreasonable Search?' [audiocast]

Law enforcement says "give us the tools." Privacy advocates argue that electronic surveillance threatens Fourth Amendment rights.

<http://onpoint.wbur.org/2011/11/08/gps-tracking>

OTHER RESOURCES



Unwarranted! Privacy in a Technological Age

Should law enforcement, without your knowledge and without a warrant, be able to monitor you through a GPS tracking device on or within your vehicle and track your location and movements for an indeterminate and virtually limitless amount of time?

<http://lawweb.usc.edu/why/students/orgs/ilj/assets/docs/21-2%20Burten.pdf>



From Jones to Drones: How to Define Fourth Amendment Doctrine for Searches in Public [video]

Scholars on this panel each had five minutes to present a constitutional test that would balance governmental surveillance and the citizen's Fourth Amendment rights.

<http://www.youtube.com/watch?v=pGCWZGdq08>



Privacy, Law Enforcement, and National Security

(Chapter 9 of *Engaging Privacy and Information Technology in a Digital Age*)

This chapter focuses on electronic technology in law enforcement and the pressures that it places on individual privacy.

http://www.nap.edu/openbook.php?record_id=11896&page=251



The Judicial Response to Mass Police Surveillance

The increasingly widespread use of police technologies like surveillance cameras, facial recognition software, and automatic license plate recognition systems threaten to fundamentally reshape our expectations of privacy in public spaces.

http://berkeley.academia.edu/StephenRushin/Papers/1756241/The_Judicial_Response_to_Mass_Police_Surveillance



[People v Weaver](#)



[United States v Jones](#)

(sometimes referred to in articles and lectures as "Maynard." Maynard was a co-defendant at the time of the DC Circuit Court decision).