Fall 2020

HSS 404-001: Law in the Digital World

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HSS 404 – Law in the Digital World
Fall 2020

Professor: Dr. Kyle Riismandel
Time: Tuesday/Thursday 9-1020AM
Classroom: Online
Office Hours: I will be available each for appointments on Monday and Wednesday, 12-2PM. Please sign up to meet via the link on Canvas. If you would like to meet but cannot during those times, please send me an email to arrange an alternate time.

COURSE DESCRIPTION:
This seminar course examines legal issues concerning digital technologies in America, both in the past and today. To better understand these technologies and their implications, students will produce original research that analyzes the relationship between law and the digital world putting changes to the law in the broader context of American history. We will analyze what it means to live in a digital world and how technology is part of how we learn, work, play, socialize, as well as the way Americans adapt to new digital technologies and their possible uses.

We will not cover all aspects of the digital world and the law. We will focus on six areas related to contemporary America:

- Accessibility
- Privacy
- Intellectual Property
- Democracy
- Vice
- Transhumanism

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<th>Course Goal</th>
<th>Assessment</th>
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| Identify and understand key laws and practices related to digital technologies in American history | Reading and Class Participation
Outline of Secondary Source
Completion of Final Project
Reading Quizzes
Discussion Leadership |
| Identify, analyze, and deploy primary and secondary sources to make historical arguments. | Reading and Class Participation
Outline of Secondary Source
Completion of Final Project |
| Research, write, and verbally present historical arguments using primary source evidence | Reading and Class Participation
Outline of Secondary Source
Completion of Final Project
Discussion Leadership |
| Be informed citizens who can understand and participate in contemporary debates about laws and regulations related to the digital world | Reading and Class Participation
Outline of Secondary Source
Completion of Final Project
Reading Quizzes
Discussion Leadership |
COURSE TEXTS
All course readings are available via canvas.njit.edu. Please bring all readings to class.

ASSIGNMENTS
The point of the assignments is to practice skills and learn course material so doing the assignments on time is imperative as they will relate directly to class that week. However, if you fail to hand in an assignment when it is due, you may hand it in late for partial credit with no more than a penalty of 1/3 letter per day late. Further, you must complete all assignments to pass the course. Failure to do so can result an F for the course.

Class participation:
Students are expected to
1. Participate actively in all class discussions and activities
2. Be respectful to the instructor and their fellow classmates
3. Arrive to class on time
4. Stay focused on what is happening in our classroom not on chatting or using digital devices.

Further, participation will be assessed not just on quantity but also on quality. Quality participation demonstrates knowledge of the issues at hand, completion of that week's assignments, and a willingness to engage in critical assessment of course texts and lectures. The participation grade may also include pop quizzes and short writing assignments done in class.

I encourage students to check in with me over the course of the semester regarding their class participation performance. Further, do not wait to contact me if you are falling behind or having trouble understanding course content. Earlier is always better (I’m looking at you Seniors).

Recap Paper and Presentation:
You will be responsible for recapping one class during the semester. That means, for your chosen date, you will write a short paper (400-750 words) that will include the key analytical takeaways from a lecture and/or discussion. That means, you should articulate what we learned or now understand about that week’s theme or topic as well as how it connects to the broader themes and ideas discussed to that point in the course. At the next class, you will start by presenting your recap to the class. You do not need to do a formal presentation. Rather, you should shortly summarize the main points of your paper. An assignment sheet with further instructions will be distributed in class and via Canvas.

Discussion Leaders:
As a discussion leader, you will complete a 400-750 word response paper, upload it to the appropriate Canvas link at least 24 hours before class, and open discussion with a question, statement, or both designed to spur conversation about that week’s topic. An assignment sheet with further instructions will be distributed and made available on Canvas.

Final Paper:
The assignments in the class will be the building blocks of a research paper of YOUR choice. This paper will be a chance for you to apply the skills you learn throughout the semester to write
an 1800+ word paper analyzing a primary source or set of primary sources related to the law in the digital world in their historical context. Each step in completing the paper, from the paper proposal to the final draft, will be completed in consultation with the instructor as well as your peer cohort. Further instructions will be distributed throughout the semester to guide you in your work.

Final grades will be calculated as follows:
- Discussion Leader: 8%
- Response Paper: 8%
- Recap: 8%
- Class Participation: 15%
- Final Paper: 61%
  - Paper Proposal: 6%
  - Outline and Bibliography: 8%
  - Rough Draft: 12%
  - Final Draft: 25%

Course Policies

Attendance:
Students are expected to attend all course meetings on time unless receiving prior authorization. Missing class will not only adversely affect your class participation grade, but there will be screenings in class that will only be offered during that class period so do your best to attend. If you miss class to attend an NJIT sponsored event, to observe a religious holiday, or due to a documented illness, those absences will be excused. For these absences to count as excused, you must receive permission from the instructor in advance or provide a doctor's note (or other relevant note) in the case of sickness.

Classroom Conduct:
In this course, we welcome intellectual inquiry and thoughtful discussion of difficult questions but hate speech and disrespectful comments will not be tolerated. We must come to class with an open mind, a willingness to learn, and fundamental respect for the humanity of each person in the room and the historical actors we discuss.

Office hours/student appointments:
I will be available each for appointments on Monday and Wednesday, 12-2PM. Please sign up to meet via the link on Canvas. If you would like to meet but cannot during those times, please send me an email to arrange an alternate time.

Academic dishonesty:
Students are expected to obey the NJIT honor code, and I will enforce this code to its fullest extent. The goal of this course is to evaluate your understanding of course materials and ability to express that understanding. Cheating, plagiarizing or otherwise violating the code of academic integrity not only breaks the trust between professor and student but keeps you from learning course content and improving writing and critical thinking skills. I am here to help so if you are having trouble, do not cheat, ask me for help.
For the tenets of the code or for clarification of what constitutes plagiarism or cheating, please consult: http://www.njit.edu/academics/honorcode.php.

Generally speaking, it is a violation of the academic integrity code to:

- Use someone else’s words or ideas without attribution
- Copy content from someone else’s paper, quiz, or exam
- Pay for course assignments to be complete by someone else

Laptops and miscellaneous technology rules:
Students may use laptops in this course for class-related activities only. Essentially, you are in class approximately 3 hours a week. Please be present and prepared when you are here. If you would rather text or surf the internet, please do not come to class.

Students Requiring Accommodations:
Students who require accommodations should contact NJIT's Student Disability Services to help procure accommodations in completing coursework. The center can be found at http://www.njit.edu/counseling/services/disabilities.php.

Course Schedule
WEEK 1 – SEPT 1 – What is the Digital World? How do we study it?
TUESDAY: Intro/Course Expectations/The Digital World (bleep bloop)
THURSDAY: Studying Laws and Courts/Research Questions and Sources
Secondary Sources
- Roosevelt University, “The Parts of a Court Decision”
- Law Librarians’ Society of Washington, D.C., “Quick Links and Sources to Court Opinions”
- The Craft of Research, “Chapter 3: From Topics to Questions”

WEEK 2 – SEPT 8 - ACCESSIBILITY
TUESDAY – NO CLASS/MONDAY SCHEDULE
THURSDAY: NET NEUTRALITY
Primary Sources
Secondary Source
  - Choose one of the links following the article and be prepared to discuss it
This article covers the history of net neutrality rules, laws, and court cases

WEEK 3 – SEPT 15
TUESDAY: Monopoly
Primary Source
Secondary Source

THURSDAY
Secondary Source

WEEK 4 - SEPT 22: PRIVACY
TUESDAY: THE RIGHT TO BE FORGOTTEN
Primary Source
- European Union, *General Data Protections*, “Article 17: Right to Erasure”
Secondary Source

THURSDAY: SURVEILLANCE CAPITALISM
Secondary Source

Further Reading (not required)
Primary Source
- In re Google Assistant Privacy Litig., 2020 U.S. Dist. LEXIS 80971 (United States District Court for the Northern District of California, San Jose Division May 6, 2020, Filed)
Secondary Source

WEEK 5 – SEPT 29
TUESDAY: THE SOCIAL LIFE OF DNA
Primary Sources
- AncestryDNATesting, “Privacy Statement” - [https://www.ancestry.com/cs/legal/PrivacyForAncestryDNATesting](https://www.ancestry.com/cs/legal/PrivacyForAncestryDNATesting)
- Ancestry.com, “Setting the Record Straight: Ancestry and Your DNA” -
Secondary Source
- Christine Guest, “DNA and Law Enforcement: How the Use of Open Source DNA Databases Violates Privacy Rights”

THURSDAY: CASE STUDY: THE GOLDEN STATE KILLER
Secondary Sources

DUE: PROPOSAL, SEPT. 30TH 5PM

WEEK 6 – OCT 6: DEMOCRACY AND CITIZENSHIP
TUESDAY: ELECTION INTERFERENCE
Primary Source
- The Mueller Report, Executive Summaries I and II

Secondary Source

THURSDAY: GERRYMANDERING
Primary Source
- Common Cause v. Lewis (2019)

Secondary Sources
- FiveThirtyEight.com, “Gerrymandering 101: Parts 1 and 2” https://fivethirtyeight.com/tag/the-gerrymandering-project/#main

WEEK 7 – OCT 13
TUESDAY: CRIMINAL JUSTICE
Secondary Source
THURSDAY – NO CLASS WORK ON OUTLINES
DUE: OUTLINE OCT. 16TH – 5PM

WEEK 8 – OCT 20
TUESDAY: Outline Meetings
THURSDAY: Outline Meetings

WEEK 9 – OCT 27 – INTELLECTUAL PROPERTY
TUESDAY: THE SHARING ECONOMY
Secondary Source
THURSDAY: COPYRIGHT AND ALGORITHMIC REGULATION
Secondary Source

WEEK 10 – NOV 3 – VICE
TUESDAY: NO CLASS – VOTE!!!!!!!!!!!!!!!
THURSDAY: Crime Online
Primary Source
Secondary Source
- Judith Aldridge and David Cecary-Hetu, “Not an ‘eBay for Drugs’: The Cryptomarket ‘Silk Road’ as a Paradigm Shifting Criminal Innovation”

WEEK 11 – NOV 10
TUESDAY: Drafting, Editing and Feedback
Secondary Source
- Anne Lamott, *Bird by Bird: Some Instructions on Writing and Life*, “Shitty First Drafts”
THURSDAY: BIOHACKING
Primary Source
Secondary Sources
WEEK 12 – NOV. 17
TUESDAY: TBD
THURSDAY: OPEN OFFICE HOURS

WEEK 13 – NOV 24
TUESDAY: OPEN OFFICE HOURS
THURSDAY – NO CLASS – THANKSGIVING BREAK
DUE: ROUGH DRAFT – NOV. 23RD BY 5PM

WEEK 14 – DEC 1
TUESDAY: ARTIFICIAL INTELLIGENCE
Secondary Sources
  ● Sabine Gless, Emily Silverman, Thomas Weigend, "If Robots Cause Harm, Who Is to
    No. 3, Summer 2016, pgs. 1-22.
  ● H: Matthew U. Scherer, "Regulating Artificial Intelligence Systems: Risks, Challenges,
    Competencies, and Strategies," Harvard Journal of Law & Technology, V. 29, No. 2,
    Spring 2016, pgs. 353-400.
THURSDAY: VACCINES

WEEK 15 – DEC 8
TUESDAY; BIG TAKEAWAYS
THURSDAY: PAPER QUESTIONS
DUE: FINAL DRAFT DECEMBER 21ST BY 5PM