

Law of Computer Technology

17-762, 17-662, 17-562

Course Handbook 2022

Course Objectives

All facets of human life are affected by law, and this is especially true of computer technology because so many activities are computer-based. These include social media, online shopping, facial recognition technology, autonomous vehicles, open source code, data privacy, tech startups, and the list goes on. Also, every one of you will probably be required to sign an employment agreement or non-disclosure agreement at some point.

Legal education involves study of real cases that have been decided by courts. It is important to realize that cases encapsulate a genuine dispute between human beings that they were unable to resolve by themselves, a dispute serious enough to cause them to hire lawyers and go through the time and expense necessary to resort to the judicial system. Sometimes the problems people make for themselves through their action are incredible, but they're real. A major purpose of the judicial system is to deter people from taking matters into their own hands (called "self-help"), which leads to a breakdown of law and order.

Here are some intended learning outcomes of the course: (1) comprehend the legal issues surrounding computer technology; (2) develop legal reasoning ability; (3) develop the ability to understand statutes, regulations and court opinions; (4) consider legal consequences when developing computer systems; and (5) be able to assess in a critical fashion current news stories involving computer law.

The primary objective of the course is for you to learn skills along with the course content. Everything else is subordinate, and everything we do is designed to advance these objectives. Homework and the final exam are learning experiences – you will know more when they are over than you did when they began. No one is tested on memory or trivia. Exams and homework are open book, open notes and open Internet. On homework you can even work with fellow students, as explained below.

This is not a law school course. There is no expectation that you will master the skills of attorneys. However, a crucial skill, learned only through practice, is that of legal reasoning. It's logical, but it's different from science. The underpinnings of science are reproducible experiments and mathematical modeling of physical processes. Law doesn't work that way – there are no reproducible experiments and no inviolable equations. The laws of nature do not change, but human law does. There are tens of thousands of jurisdictions in the United States having the power to enact laws and regulations. If each of them did that only once a year (and they do it much more often), then 100 laws or regulations would change every day.

Many students in the course are accustomed to doing math, CS or engineering problem sets. In such subjects, it is usually possible for you to tell whether your answer is right or not

before you hand it in. For example, if you are asked to find the indefinite integral of a function, you can check whether you got it right by differentiating the result. There is no comparable process in law, and some students find this disconcerting. Imagine how the parties and attorneys in an actual lawsuit must feel, not knowing who's going to win or lose, when hundreds of millions of dollars may be at stake. The best we can do is apply sound legal reasoning.

In general, there is no one "right" answer to a legal problem. As you will see, many decisions of courts get overruled on appeal, and the result on appeal may even be reversed by a higher court. What matters is not whether you get the "right answer," by how you arrived at your answer.

Punctuality

Class begins on time promptly at 8:35. Students who come early have the advantage that (1) they have a chance to ask questions; and (2) they don't have to wait for students who are late for the class to start.

It is occasionally necessary to change the date/time/location of a class, as the instructor may be under court order to testify at a trial – an order that must be obeyed. All the lectures will take place, even if they are rescheduled.

Class Participation

Ten percent of your grade is based on "class participation." While attendance is taken (you can't participate if you're absent), merely filling a seat in a lecture room is not "class participation." Class participation consists of asking and answering questions, and participating in discussions. The most helpful questions are ones whose answers will benefit a significant number of students or help clarify a point made in lecture. Questions about homework, which apply to the whole class, should be asked orally in class, not through private correspondence or conversation.

This course is classified "In-Person Expectation." That means you should physically come to class. Class will also be available live over Zoom and will be recorded for later review. However, watching via Zoom will not afford the opportunity for class participation and you will be marked absent if you are not in class. Due allowance is made for health reasons, interview obligations, etc., but you must request permission to be absent in advance.

Homework

The homeworks get more challenging as the course goes on, to accommodate your increasing analytical skills. You will be given a hypothetical set of facts and some statutes (usually real ones), and you will be asked to determine what the outcome should be based on the facts and the law, usually by critiquing the arguments made by the parties.

What is important is the process by which you arrive at your answer, not so much whether the answer is “correct.” The word “correct” is in quotation marks because the fact patterns in the homeworks have never been considered by any court. Even if they had been, there is no assurance that the court would have arrived at the “correct” result. After all, court decisions are frequently reversed when a case is appealed to a higher court. Therefore, there is no one “correct” answer. What is critical is the legal reasoning that you used to arrive at your answer. You have to decide which facts are important, what the words of the statute really mean (which is often different from what they appear to mean), and you must use the legal principles you learn in the course to formulate your answer. If you do that, you will get a good grade, even if your answer is different from (even very different from, or the opposite of) the instructor’s model answer. If you do not follow the right process, you will not get a good grade, even if you luckily happen to come up with an answer similar to the instructor’s.

YOUR PERSONAL OPINION ON WHAT THE OUTCOME OF A LEGAL SITUATION SHOULD BE IS ENTIRELY IRRELEVANT IN THIS COURSE. You should not apply your own sense of what is “fair” or “just” to determine an outcome. You must follow proper legal reasoning and rules for interpreting statutes. You should not settle on a result and then backfill your answer to justify the result. You should work forward from the facts and the law and write out an explanation of your reasoning.

You will have a reasonable amount of time to complete each homework, usually two weeks (except for homework 0, which does not count for much credit, but gives you useful practice, and for which you will have one week). Waiting until the last night before the homework is due to begin thinking about it is definitely a losing strategy. Answers do not have to be long, but they have to be well thought-out and complete.

Only answer questions that are asked. Lawyers are very sensitive to receiving an answer to a different question from the one they asked, especially in court. It is an indicator that the person answering did not know the answer (or did not want to give it). You do not get any credit for answering other questions, but you may lose points if those unnecessary answers exhibit poor reasoning. There is no upside to doing this, but there may be a downside.

Some students form the incorrect belief that the answers to the homework can be found somewhere on the Internet. That is not true. The problems have been created for this course and are not based directly on any actual cases. This is not a course on Google searching. (Such a course might be useful, but this is not it.) If you hunt for the answers on Google, you will be wasting your time. You might find references on Google that assist you in understanding a problem. That is perfectly fine. However, if you quote from any reference, you must cite the source. Take care to ensure that what you are quoting is relevant and authoritative.

Some students hunt for applicable judicial opinions outside the course readings and quote from them on the homework. This is a dangerous practice and is only occasionally helpful. The reason is that the opinion you quote from may be based on a different fact pattern, may be interpreting a different statute, or may be from a court whose decisions are not binding on the court mentioned in the homework. Further, the decision might have been overruled or reversed

on appeal. If you do quote from an opinion, be sure that is applicable to the problem. It will never occur that there is some hidden case that you are expected to find that will answer the question.

Working Together

Students are strongly encouraged to work together on homeworks. That is, you may discuss and debate the homework problems collectively as much as you want. However, after discussion is over, you must write your own homework paper individually. Naturally, the answers given by students who worked together will probably be similar. There is nothing wrong with that, provided you do not copy your answers from someone else. The CMU policies on academic integrity still apply. You must identify by name everyone you worked with.

Working together is beneficial because it promotes learning and reduces errors. If you explain to a group member why you think your answer is good, you will learn by having to express yourself clearly, and you will benefit from comments made by other members of the group.

While group work is helpful, you should be wary of a phenomenon psychologists call “groupthink.” Members of a group sometimes feel pressured to conform to the majority view of the group, and suppress their tendency to argue or present alternative ideas, or even point out what they think are errors. This can result in loss of creativity, and sometimes causes everyone in the group to get a poor grade because they subscribed to a solution that some members thought was incorrect. It can be difficult to combat groupthink, especially if you have a social need to conform. However, just because you worked with a group does not mean you have to follow its suggestions on your own homework paper. So keep a critical mind and evaluate ideas based on their merit, and not on who (or how many people) produced them.

Not Working Together

You may not work together on exams. Also, you may not obtain help from any human source. However, all of the exams are take-home, open-book and open-Internet, and you will have at least 24 hours to complete any exam.

Getting an A in this course

Follow the rules, comply with instructions on the homework and exams, and participate in class. Historically, most of the grades given in this course for people who do this are in the A range. People who leave the homework until the last night before it is due generally do not get A's. It is very difficult to get all of the available points on a homework. Your answers would have to be perfect to achieve that. However, there is no direct correlation between point totals

and letter grades. That is, 75/100 might be an A or might not be. What is being evaluated is how well you have learned the skills required for the course.