

**Internet Law
Spring 2020
Midterm Assignment**

This assignment consists of **one question** and **four pages**, including this cover page. Your answer has a limit of **1,500 words**, which will be strictly enforced. It is due by **noon on Monday, March 9**. Please submit your answers by emailing a PDF to Angy Altamirano (aaltamirano@cornell.edu). The PDF should not contain your name or any other identifying information. I will know only whether each PDF comes from a JD, LLM, or non-law student.

This is an **open-book** examination. You should not need to consult anything beyond the casebook, the slides, and your notes, but you can if you wish. You are free to discuss the general legal principles we have covered with anyone, including each other. But **you may not discuss the question** with anyone else until after the deadline. Your work on this examination is subject to the Cornell Code of Academic Integrity, the Law School Code of Academic Integrity, and the Campus Code of Conduct.

The question puts you in a role, but the genre for your answers should be **“law school examination.”** Please make your answer as **specific** to the facts of the question as you can. Generic statements or suggestions, such as “Make sure that all employees follow proper security practices,” will receive few or no points. Use **simple citations** (e.g. “see Zeran”) where appropriate. I include **spelling, grammar, clarity, and organization** in my grading. I appreciate the use of headings to organize your answer, but they’re not required. If you find the question **ambiguous** or need to **assume additional facts**, state your assumptions and explain how they affect your answer. No reasonable resolution of an ambiguity will be penalized.

Assume for purposes of the examination that present-day law has been fully in effect at all relevant times. Unless otherwise noted, all names are fictitious. Please disregard any resemblance to actual persons, places, or institutions, unless they are specifically incorporated into a question.

You can limit your answer to the material in the casebook up through the end of section 4.C: jurisdiction, speech, the Fourth and Fifth Amendments, wiretapping, and anonymity.

Hack Panther

To: T'Challa Boseman
From: Coogler and Marvel, LLC
Re: Potential legal responses to Wakandan harassment
PRIVILEGED AND CONFIDENTIAL

Dear President Boseman,

This letter confirms our representation of you in this matter and sets forth our analysis of your legal situation.

Facts

You served as the democratically elected President of the African nation of Wakanda from 2014 until 2017, when you were driven from office and forced into exile in a coup. The ringleader of the coup was a high-ranking officer in the Wakandan Army, N'Jadaka Jordan, who now holds the office of President of Wakanda.

After your exile, you took up residence in New York City and have been an outspoken critic of the current Wakandan government. Using your Twitter account, @PantherOfWakanda, you have described the Jordan regime as "a pack of amoral killmongers," called for the restoration of Wakandan democracy, and expressed support for One Wakanda, an opposition party led by Shuri Wright.

Your activism has made you a target of the current Wakandan government and its supporters. You were criminally charged in Wakanda with attempting to undermine Wakandan national security through your online activity, convicted *in absentia*, and sentenced to life in prison. Jordan also civilly sued you for defamation over the "killmongers" tweet in a Wakandan court and obtained a \$25 million judgment. In both trials, your attorneys were denied the ability to introduce evidence or make arguments on your behalf.

About eight weeks ago, you began to notice a series of strange occurrences on your computer and a major spike in the online harassment you experienced. At your instruction, we retained the computer security con-

sulting firm Dora Milaje Security (DMS). The following points are taken from the report DMS produced:

- You received an email purporting to be from Wright with the subject line “Important evidence of corruption.” When you clicked on the attachment, it apparently did nothing. However, opening it installed a piece of spyware on your computer that surreptitiously sent a copy of all incoming and outgoing email to an IP address assigned to Okoye Guriria Associates, a small import/export firm based in New York whose website describes it as specializing in goods made from Wakandan vibranium.
- At about the same time, Wright received an email purporting to be from you with a similar subject line and malicious attachment. Wright, however, did not open the email.
- A large number of Twitter accounts have been posting claims that you embezzled billions of dollars from the Wakandan treasury and that you secretly had an affair with married Wakandan actress Nakia Nyong’o. (These claims are categorically false.) Network analysis by DMS indicates that these Twitter accounts are almost entirely automated, and that their activity is controlled by Digital Serkis, a digital marketing firm based in California.
- Another Twitter account, @KlawOfJustice, has been posting medical details of your treatment for an overdose of a traditional Wakandan medicine known as “heart-shaped herb.” DMS believes that this information has been extracted from your emails as a result of the malware described above.

After DMS provided you with a copy of the report, you posted it online and tweeted screenshots of its highlights. A spokesperson for Jordan responded with a statement that “The illegitimate pretender T’Challa Boseman continues his baseless campaign against the rightful government of Wakanda. We are considering all our legal options to respond to his lies. Wakanda calls on Twitter and the United States to bring an end to these delusional attacks on a valued American ally.”

Analysis

You have asked us to discuss your legal options. It is our opinion that it is unlikely you will be able to return safely to Wakanda while the current regime remains in power. It is also our opinion that because the Wakandan judicial system is now completely under Jordan's control, any attempts to bring suit in a Wakandan court or to obtain relief there from the existing judgments against you would be futile. Therefore, we will focus on the options available to you in the courts of the United States and on the legal risks you face here.

At your request, we will discuss not just who would win a hypothetical trial but also the practical consequences for you a victory or defeat. We have considered three general classes of issues:

1. The legal risks you face in the United States from the existing Wakandan judgments against you, and from any new lawsuits that the Wakandan government could bring here.
2. Claims you could bring against the unknown person who sent you the malware-infested email, Okoye Guriria Associates, Digital Serkis, the unknown person behind @KlawOfJustice, Twitter, and/or Jordan.
3. Criminal charges that the United States or the state of New York could bring against any of these parties.

Our analysis follows.

Write the rest of the memorandum explaining Boseman's legal position and recommending a course of action. Remember that your client is extremely smart and has good strategic judgment, but that his primary expertise is in politics and government, not Internet law.