Hall Estill Media Law Attorney Bob Nelon Contributes to ebook Regarding Most Important Section 230 Case

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Ebook On Zeran v AOL, The Most Important Section 230 Case

https://www.techdirt.com/articles/20201201/15111345805/new-ebook-zeran-v-aol-most-important-section-230-case.shtml

Hall Estill Media and First Amendment Law Attorney Bob Nelon recently contributed to an ebook - Zeran v. America Online.

From Bob Nelon:

"Eric Goldman is a professor at Santa Clara University School of Law and is an expert in the laws of the digital world. Today, he released his ebook about Section 230 of the Communications Decency Act and the litigation in Oklahoma and Virginia that first explored its meaning and application. In simple terms, Section 230 immunizes internet platforms from liability for defamation, invasion of privacy, and other speech–based claims arising out of posts by third parties. For example, Facebook cannot be held liable for a user's post that defames someone; likewise, Twitter cannot be held liable for an offensive tweet, so long as the platform itself does not generate the content.

The scope and constitutionality of Section 230 was first challenged in a case brought against AOL by Kenneth Zeran. Zeran (a resident of Seattle) was the target of a malicious online post following the Oklahoma City bombing. He sued AOL in federal court here. The case was eventually transferred to a federal court in Virginia, which held that Section 230 immunized AOL from any liability to Zeran. The Fourth Circuit affirmed that judgment. Zeran v. AOL became the seminal case on the validity of Section 230, and it's been cited countless times in subsequent litigation.

Even before Zeran sued AOL, he sued Diamond Broadcasting (KRXO) in federal court here for defamation and invasion of privacy over comments made on a radio talk show about the AOL post. We defended that case, and obtained summary judgment, which was affirmed by the Tenth Circuit. I wrote a chapter of Prof. Goldman's ebook about the Zeran litigation here.

As Prof. Goldman notes in his email, Section 230 is a hot topic on Capitol Hill, with a number of members of Congress calling for its repeal or modification. Trump, in particular, has been offended that Facebook and Twitter have blocked or flagged his posts/tweets as being misleading or false, and he wants payback against

the internet platforms. In a more general sense, there is concern in Congress that entities like Facebook and Twitter (add Microsoft, Google, and others) have too much power or influence that needs to be curtailed. The book is certainly timely."

The book can be found HERE

Attorneys

- Robert D. Nelon