

# Inside Business

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## 'Trolls' are no longer mythical figures: how and why to deal with them

I've had many excellent teachers over the years, perhaps none better than Nancy Leong, who taught a test prep course at the Princeton Review that helped me get into one of the better law schools in the country. Ms. Leong eventually went on to pursue a graduate degree herself, becoming an accomplished student at Stanford and now, an accomplished faculty member at the Sturm College of Law at D.U. where she is one of the country's leading scholars on the legal aspects of online harassment. She has graciously agreed to answer a few questions from an old friend on this emerging topic.

**Q:** What is cyber harassment?  
**A:** Cyber harassment is a pattern of conduct that takes place online and is targeted at a particular person. It typically consists of behavior that is threatening or otherwise intended to cause serious emotional distress. The behavior can be anything ranging from emails threatening to cause physical harm to a person or her

family, to blog entries and comments threatening or disparaging a person, to threatening or disparaging postings on social media such as Facebook and Twitter.

**Q:** When does online discourse cross the line from protected speech under the First Amendment to unprotected cyber harassment?

**A:** This is a great question, and one that the courts have not fully resolved. Some cyber harassment is protected speech, and some is not. Some speech is unprotected regardless of context — for example, true threats ("I'm going to kill that person") and libel (outright lies about a person). Cyber harassment can become unprotected speech if it is sufficiently pervasive or goes on for a long time. For example, one disparaging blog post is probably still protected speech, but a blog post once a week for a year is more likely to be illegal under civil and criminal laws.

**Q:** How are people harmed by cyber harassment?

**A:** A lot of people who have

experienced cyber harassment fear for their safety or for the safety of their families, loved ones and friends. Others don't feel safe using the Internet and withdraw from the Internet altogether. We use the Internet for so many things — both professional and personal — that withdrawing from the Internet is rarely costless.

**Q:** Is cyber harassment a wrong that should have a legal remedy?

**A:** In my opinion, yes, although this is something that the courts are still working out. Courts sometimes draw an artificial distinction between "online" and "the real world," and hold that harassment has to cross over into the real world before there's a remedy of any kind. In reality there's not such a clear distinction between the "cyber" and "real" worlds, especially given that so many of us work and socialize online.

**Q:** What legal remedies may be available to victims of cyber harassment?

**A:** Civil remedies may be available under existing tort law or other established causes of action such as libel or copyright — that is, you might recover damages

if cyber harassment causes you severe emotional distress, the harasser lies about you or posts material online (such as pictures) to which you own the copyright. In those situations, people can sometimes get money damages for whatever harms the harasser caused. Another civil remedy is what's known as a civil protection order, more commonly known as a restraining order. Increasingly courts will include in restraining orders that the person who's being restrained also can't contact or disparage the victim online.

Criminal remedies can include both fines and jail time, but often prosecutors' offices won't pursue them unless the conduct becomes extremely threatening because many offices lack the resources or expertise to do the necessary investigation, particularly the part involving Internet prosecution. The remedies also vary considerably from state to state, which can become complicated if the harasser and the target are in different states.

**Q:** Can you sue somebody whose identity you don't know and, through discovery, obtain the identity of the alleged harasser from Facebook or Twitter?

**A:** The short answer is yes. People have done this successfully on a number of occasions. Moreover, Facebook and Twitter will sometimes proactively turn over the identity of the person if the person has violated the law.

**Q:** Can any potential change in the law protect citizens from these new forms of harassment?

**A:** Many people have proposed modifying Section 230 of the Communications Decency Act. Right now that provision shields the owners of blogs for the threatening, harassing or defamatory things that commenters say on their blogs. So the blog owner isn't legally required to manage comments to make sure they don't devolve into harassment or threats. If Section 230 were amended, blog owners would have to be more careful. This would require more effort, but I think it would also make the Internet a nicer and safer place.

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**Matthew Trinidad**  
Pro Bono Publico

## BUSINESS BRIEFS



CONTRIBUTED PHOTO

From left, Sunlight Mountain Resort assistant general manager Tom Hays, left, and Sunlight general manager Tom Jankovsky, right, pose with Sunlight employee of the year Bobby Lombardi.

### Sunlight employee of the year

Bobby Lombardi is Sunlight Mountain Resort's employee of the year. He worked 401 hours, the most of any employee, and completed three sweeps a day. Sweeps are when patrolers and advanced skiers ski or ride down the mountain and check each run to make sure someone isn't stuck or stranded and to ensure everyone is off the mountain safely.

Bobby had the best attitude of all employees and was always making someone smile whether it was a guest or an employee. He earned a one night stay with partner hotel the Hotel Denver and dinner

vouchers to a local restaurant for his hard work and dedication.

### Everything is Negotiable

Everything is Negotiable is offered from 8:30 a.m. to noon Thursday, April 17, at the CMC Glenwood Center. Can you successfully navigate conflicts and negotiate the optimal terms for yourself or your business? In order to be effective at any business endeavor, learning how to negotiate properly is not simply a "nice skill to have," it is essential. Maximize results. Create helpful strategies for dealing with difficult people and situations. Eliminate

"negotiation regret" and second-guessing your strategy. Increase your ability to interact productively with individuals and groups. Manage more effectively through verbal and non-verbal communication. Additional guest speakers to include: Joe Carpenter (The Fleisher Co.), Fred Flohr (Berthod Motors) and David McConaughy (Garfield & Hecht). Presented in partnership with Colorado Mountain College. Registration: \$40. Presenter: Gary Hartman, The Growth Coach. Visit [www.rfbrc.org/education-and-training-to-register](http://www.rfbrc.org/education-and-training-to-register).

### Midland Fitness welcomes boxing instructor

Midland Fitness would like to welcome boxing instructor Jeff Austin to its team. Jeff has more than 15 years of experience in all levels of boxing from teaching beginners to Golden Gloves competition. As a Certified Personal Trainer, Jeff can combine boxing training with fitness techniques to keep workouts interesting, fun and effective. Jeff is available evenings at Midland Fitness for small group classes and one-on-one instruction. Call Midland Fitness at 945-4440.

### Barritt joins Southern Comfort Salon

Callie Barritt has joined Southern Comfort Salon, 315 Eighth St. in Glenwood Springs. She was trained at the Toni & Guy Academy in Colorado Springs. She recently moved here from Castle Rock because her parents live here.

A licensed cosmetologist, she has been in

the industry for about eight years. She welcomes men, women and children and specializes in coloring and cutting. Her down-to-earth personality will make you feel welcome and comfortable.

Callie works on Tuesday and Thursday through Saturday.



Mava Leighty



Michelle James

### Tops at Vickie Lee Green

Vickie Lee Green Realtors would like to congratulate Mava Leighty for being the sales person of the month for March. Mava has been selling real estate with Vickie Lee Green Realtors since 1999.

Michelle James was listing agent of the month for March with the most new listings. Michelle has 20 years of experience selling real estate in the Roaring Fork Valley.

## CONTACT US

A business brief is news about your business — new hires, promotions, certifications, training, awards, grants, relocation or opening a new business. Email your items to [insidebusiness@postindependent.com](mailto:insidebusiness@postindependent.com), or mail or deliver to the newsroom at 824 Grand Ave., Glenwood Springs, CO 81601.



Callie Barritt