Interview with Eric Goldman

Eric Goldman is a *Professor of Law at Santa Clara University School of Law in the Silicon Valley*. He also co-directs the High Tech Law Institute. His research and teaching focuses on Internet, IP and advertising law topics, and he blogs on these topics at the [Technology & Marketing Law Blog](#). He was a member of the *UCLA Law Review*.

We are glad to share the text of the interview with you.

Question: Do you agree with the opinion that developing your academic legal writing skills is unnecessary unless you consider an academic career?

E.G.: *U.S. legal employers frequently complain that law students don't know how to write, so anything students can do to improve their writing skills is professionally valuable. The best way to improve as a writer is to do more writing—especially the kind of writing that students will do as lawyers. For example, a student aspiring to be a litigator should practice writing motions and briefs, and a student aspiring to be a transactional lawyer should practice writing contracts. Compared to those types of writing experiences, academic writing isn't as directly relevant to their future work as lawyers.*

However, all writing experience is beneficial, including academic writing. Academic writing helps students practice the skill of locating, analyzing, and citing to sources. It also helps students think about how to write for different audiences, which necessarily expands the students' writing skills.

Question: Are writing essays and articles a waste of time in the preliminary stage of the study of law?

E.G.: *Good legal writing requires both substantive expertise on the topic and expertise with the mechanical process of writing. Students are usually learning both skills, so they can find it daunting to write. However, explaining a topic in essays and articles is a great way to master a topic and gain writing experience. Preferably, this is done with the guidance of an advisor to prevent errors.*

Question: What do you consider to be the greatest challenge of academic legal research and writing?

E.G.: *Often, aspiring writers are plagued by the imposter syndrome — they believe they don't have anything new or valuable to say. In my experience, everyone has something to contribute to the discourse, so this fear is often misplaced.*

Question: Which type of legal articles do you think is a waste of time and should be avoided?

E.G.: *All articles should respond to the needs of their intended audience. So long as the piece speaks to an audience, it can be useful even if it's not the kind of article I would choose to write. Having said that, I too frequently see articles that: don't say anything new; are legally or factually wrong; or lack any analysis or opinions from the author.*

Question: What are the ways of conducting systematic and successful academic legal research? (computer-assigned research – online legal research)

E.G.: *In the U.S., we have many powerful online search tools. I personally use Westlaw, Lexis, and Bloomberg Law extensively. I also use email alerts, blog subscriptions via RSS, and social media to keep up with new developments.*

When I am starting a new research project, I usually try to find a treatise chapter or a survey article on the topic. This helps me understand the general issue, and I can use the citations to jumpstart my additional research.

Question: Research on modern-era topics: internet law – which points and sources should be considered while researching in that area?

E.G.: *Many junior scholars struggle with two issues when researching and writing about Internet Law.*

First, junior scholars misapply analogies to precedent technologies. The analogy problem can cut different ways. Sometimes, junior scholars treat the Internet as sui generis and ignore the many applicable precedents from related technologies, such as the laws applicable to traditional print publishing. Other times, to reach a strained conclusion, junior scholars invoke analogies that fairly obviously don't apply to the Internet, such as analogizing the Internet to 19th century railroads or telegraphy services.

Second, junior scholars often overlook the early academic literature on Internet Law. Many of the issues being debated today have been around for a long time, and a lot of important foundational work was done in those early days that should be acknowledged and addressed.

Question: How did you select internet law as a field of law to research? Is it just enough interest to dedicate you to this area of law?

E.G.: I fell in love with Internet Law in 1992, after I first got an email account and discovered bulletin-board services (BBSes). For my generation, the Internet dramatically changed the way we communicate with each other, and that fascinated and inspired me. I remain fascinated and inspired to this day.

I had the good fortune to pursue Internet Law just before the Internet took off with the Dot Com boom. Some students will get similarly lucky to embrace a practice area just as it's taking off. But any student can find success, even in well-established and mature practice areas, if they are intellectually curious and focus on clients' needs.

Question: Which article of yours is the most popular among others, and what are the points make that article successful?

E.G.: My most popular content is "explainer" content where I provide a general overview of a topic. For example, at SSRN, my most downloaded article [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3211013] explains the California Consumer Privacy Act adopted in 2018. I think it's popular because the law was confusing and controversial, and many readers sought to understand how the law got passed and why it is so problematic.