

Eric Goldman

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Goldman's Observations

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Comment Spam Avalanche

Back to the [comment spam issue](#). I recalibrated the settings in Movable Type and [openec comments](#) in April. Unbeknowst to me (and contrary to my configurations), MT put all of comments in a moderation queue that wasn't obvious (at least, to me). I found this stash today and the picture wasn't pretty. I had a total of about 6,400 comment spam that que up since mid-April (and I think MT auto-deleted about 1,000 more). I did a "quick" pass (t about 2 hours) through this queue and came up with about 45 legitimate comments, or v less than 1%. So, what do you think--should I close comments? Tighten them up further? I required authentication, I got numerous reports that the MT tools didn't work). Slog thr this heavy spamfest for the nuggets? (many of the comments were terrific) I recalibratec filters again and we'll see how that goes for a bit. But it may be that I'll have to take mo drastic measures.

One last gripe. I still don't understand why MT doesn't do more to auto-kill comment spa Here's a tip: if the comment contains the word "ringtone," KILL IT. MT should also allow comments to be sorted/filtered by score.

Comments are open on this post, but if you don't get scored as "not spam," watch out! If comment gets buried in the comment spam pile, all hope may be lost...

Posted by Eric at 10:08 PM | [Blogosphere Issues](#) | [Comments \(2\)](#) | [TrackBack](#)

July 28, 2006

Dead Deep Fried Fish = Threat Level Orange?

[Vermillion County, Indiana](#), population 17,000, is located in the country's heartland along Illinois border. It seems like an unlikely place to worry about homeland security. However county has a chemical depot that could be a terrorist target, so the [Department of Home Security](#) spent \$300,000 to build a network of 11 emergency alert signs.

But obviously these signs aren't used very often by DHS, so why not find some other uses them in the downtime? Like, for advertising! Sure beats one of those boring roadside sign "Litter Picked Up By..."

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So far, the lucky advertisers include a local elementary school promoting its carnival, sp of a spaghetti dinner fundraiser(both of which reported above-average turnouts) and the department advertising its fish fry. Then again, maybe it is fitting to use the emergency system to warn of the massive destruction of fish!

Posted by Eric at 03:07 PM | [Vegetarian](#)

July 27, 2006**Wisconsin's Diploma Privilege Draws More Questions**

Wisconsin is the only state that still allows graduates of in-state law schools to become lawyers without taking a bar exam (called the diploma privilege). This creates some interesting dynamics--UW and Marquette graduates have some extra incentives to stay ir because it means they can avoid a bar exam, and out-of-state graduates/lawyers have to jump through some extra hoops just to get to the same place as in-state graduates.

This dichotomy creates controversy constantly, but it may boll over as the new state bar president has targeted the diploma privilege as part of his agenda. You can see a video c issue [here](#), focusing on the sad story of Arnie Moncada (name corrected per comment be who went to Thomas Cooley Law School in Michigan, failed the Wisconsin bar 4 times, ar can't be a lawyer in WI forever...while if he had just graduated from Marquette or UW, h a lawyer now.

Personally, I always thought the diploma privilege did Marquette graduates a disservice--encouraged students to focus on Wisconsin job opportunities in preference of other grea options elsewhere. On the other hand, the diploma privilege helps UW and Marquette in US News rankings every year (it's hard to beat 100% "passage").

(Thanks to Garet Galster for sending this link).

Posted by Eric at 11:04 AM | [Legal Education Industry](#) , [Legal Industry](#) , [Life in Wisconsin](#) | [Comments \(3\)](#)

July 25, 2006**Further Reflections on California Living**

I recently posted some [initial thoughts about California living](#) based on my first couple of weeks as a repatriated Californian. Some further observations from the past few weeks:

* In Milwaukee, the local paper ran a traffic column once a week. The San Jose Mercury runs a traffic column **every day**. *It's that important.*

(Admittedly, I can't complain too much. My commute is routinely less than 20 minutes, a I've hit bad traffic only a couple of times).

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* My office has no air conditioning. It would have never occurred to me to ask about air conditioning--I just assumed that every law school building in the US has AC. Sadly, no. The good news is that AC is needed in Santa Clara only a few weeks out of the year. The bad is that the last couple of weeks have been hot and sweaty. My fingers keep slipping off the keyboard....

* In Milwaukee, we had a 3/4 acre lot. It was so large and wooded that I couldn't see my neighbors. More importantly, I couldn't *smell* my neighbors. In Mountain View, we have a generous (by CA standards) 0.2 acre lot. Nevertheless, I can see my neighbors on all sides...and smell them too. The neighbor behind us (i.e. upwind) fires up the grill every Saturday and Sunday afternoon. The last few weekends haven't been too bad because we kept the windows closed and blasted the AC. But otherwise, when I open up the window home office on the weekends, as I sit at the keyboard, all I can think is....TERIYAKI CHICKEN. Talk about a *nuisance*, especially for a vegetarian.

* In Milwaukee, people experienced general malaise in late January and February as the omnipresent cold and darkness took its toll. I've been told that in California, people experience a similar malaise in mid-December and mid-April...when property taxes are due. Property tax due dates are like days of reckoning--have we been good enough savers during the year to stash away the cash to write a check large enough to feed a small city in Chicago for one am panicking already.

* BTW, I never shared the final stat--our Mountain View house was exactly 5X more expensive than the sales price on our Milwaukee house. And, get this--the seller of our Mountain View house had benefited from 3 decades of Prop. 13, so our property taxes are over 10X what he was paying. No wonder why everyone in Mountain View was so excited to see us--we just dramatically increased the tax rolls!

Posted by Eric at 10:22 AM | [California Living](#)

July 21, 2006**"Extortionate Destruction" and SaveToby**

An article in the Yale Law & Policy Review, [Saving Toby: Extortion, Blackmail, and the Right to Destroy](#), discusses [SaveToby.com](#), a perennial topic on this blog. The author argues that the law doesn't adequately inhibit threats on a bunny's life. In response, the author proposes a new crime of "extortionate destruction." Would I be a criminal if I threatened to start eating burgers and bratwursts unless I get \$50,000 by the end of the year? Meanwhile, I continue to reiterate my call to Toby's owners to eat the damn rabbit already--before more *trees* get killed!

If you want to read more, the author [posts](#) a third party critique of the article and further defenses of it. In that post, the author lets us in on the fact that the article was written with a tongue at least partly in cheek." That was news to me! Given that the article was a critic

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a *gag website*, I would think the author would know firsthand the difficulty of communicating humor (or, even harder, partial humor) in written form.

The abstract:

On the website SaveToby.com, one may find many endearing pictures of Toby, the cute little bunny on the planet. Unfortunately, on June 30, 2005, the lovable Toby was scheduled to be butchered and eaten - unless the website's readers sent \$50,000 to save his life.

Though Toby's owner has since granted him a temporary reprieve - until Nov. 6, 2006 - the threat raises a fascinating issue of law. Extortion statutes prohibiting threats to destroy property generally do not prohibit threats to destroy one's own property. The law thus provides insufficient protection to a variety of resources on which others place value, including historic buildings, treasured paintings, and adorable bunny rabbits.

This Comment proposes that legislatures protect Toby under a new criminal offense of extortionate destruction. It presents the moral case for the offense by analogy to blackmail. Although destruction of property, like telling others' secrets, is normally lawful, both can be rendered wrongful by the unjustified use of a coercive threat. Such a threat specifically at causing unpleasantness to the offeree; the owner commits to killing Toby only because he hopes someone else will pay him not to. Such threats cannot be defended by the economic expressive values inherent in the traditional right to destroy, and shed light on the ongoing debate over the nature and wrongness of blackmail. The Comment concludes by suggesting model statutory language designed to safeguard property owners' legitimate interests, while appropriately protecting future artworks, antiquities, and bunny rabbits from Toby's sad

Posted by Eric at 09:56 AM | [Legal Industry](#) , [Vegetarian](#)

July 15, 2006

.44 Caliber Gavel

Apparently, judicial ethics in NY do not prevent a judge from [carrying concealed weapon](#) while on the bench. Let's just hope the judge gets the right implement when reaching for the gavel, or else the judge may dispense some unexpectedly rough justice. And the equipment under a judge's robes keeps getting more and more [interesting](#).

(Opinion No. 06-51, New York Advisory Committee on Judicial Ethics).

Posted by Eric at 08:17 PM | [Legal Industry](#)

July 14, 2006

UDRP Action for Goldmansex.com

Goldman Sachs has filed a [UDRP action](#) with NAF for the domain goldmansex.com, which

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now (according to the news reports--I haven't confirmed...) provides links to strip clubs & escort agencies. I'm pretty skeptical that there's a lot of confusion (or even overflow traffic) from the Goldman Sachs brand. If anything, I suspect I have a stronger basis to complain about what Goldman Sachs does!

UPDATE: Goldman Sachs won its [UDRP proceeding](#). The panelist was pretty casual about similarity determination.

Posted by Eric at [01:38 PM](#) | [Family & Friends](#)

BAR/BRI Class Action Website

A [website](#) has been set up in the [Rodriguez v. West](#) case over BAR/BRI's alleged monopolization of the Bar exam test preparation market. Affected class members can opt out of the class by following the instructions on the website. A trial has been scheduled for September.

For more of my blog coverage on the Bar/Bri class action lawsuits, see [here](#).

Posted by Eric at [09:58 AM](#) | [Legal Education Industry](#) | [Comments \(4\)](#)

July 13, 2006

Silly Bar Exam Rules

Jeremy Blachman a/k/a "the Anonymous Lawyer" has a funny bit on [silly bar exam rules](#). I like: gum is OK, but only if unwrapped (presumably, people could write very small cheat sheets on the wrapper). Jeremy's conclusion::

A few final words: Don't wear a catheter. Unwrap your gum. Make sure you bring your swimming goggles. And you're all ready to pass the bar exam.

Read the whole thing to see why this advice, in a twisted way, actually makes sense. When you're at it, you can check out my [tips for passing the California bar exam](#) (a little dated but still mostly accurate). For those of you studying for the exam, you're almost at the finish line. Good luck!

Posted by Eric at [09:08 AM](#) | [Legal Education Industry](#) | [Comments \(2\)](#)

July 08, 2006

Rebate-Mania

With our big move, we've been involved with more than our fair share of commerce receipts. As a result, we've run into the inevitable but dreaded rebates. Rebates are very unpopular with consumers, and for good reason. They are a hassle, they cost postage and time, the

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risk that the rebates will be lost or denied, they are hard to keep track of, and it's virtually impossible to pursue a rebate that doesn't show up. And sales taxes are computed on the higher pre-rebate sales price. Finally, from a social welfare perspective, the transactions associated with rebates seem awfully wasteful.

Now, I'm a laissez-faire guy, so I'm not going to complain about rebates generally. I don't mind them and prefer not to deal with them, but I don't generally object to their existence. Bummer. Last weekend, I ran into a rebate that crossed my line.

We subscribed to AT&T's DSL service and, in connection with that, got 2 different rebates: (1) a rebate on the modem's purchase price, and (2) a \$50 gift card. Instructions on the modem rebate came with the DSL kit, and I dutifully sent it in. Annoying, but not noxious.

In contrast, the \$50 gift card wasn't mentioned in the DSL box. Instead, a couple of weeks later AT&T sent me a notice saying that I could return the attached coupon for my \$50 gift card.

Huh? The coupon merely asked me to restate information that AT&T already knew--name, address, phone number. Why did AT&T mail me a coupon asking me to self-report what I already knew, when it could have cut out the extra 2 steps (letter to me, return letter for me) and just sent the gift card?

Clearly, AT&T was playing the arbitrage game. If it had just sent the gift card, there would have been a 100% redemption rate on the rebate. But, by sending out the letter and asking for our response, there was going to be less than 100% redemption--some percentage of its letters would be lost, some percentage of consumers wouldn't respond, and some percentage of responses would be lost. Presumably, AT&T believed that the overall amount of losses was justified doing the separate mailing of the gift card announcement (compared to putting the notice in the box or just sending the gift card). Not only is this sleazy in my book, but it's a huge waste of society's time and resources.

The bad news is that we're locked into a 12 month contract with AT&T. The good news is that Google/Earthlink are wiring Mountain View for free wireless Internet access. The best news is that a streetlight right in front of our house has one of Google/Earthlink's transmitters. \

UPDATE: [Mike Langberg](#) discusses the move away from rebates and cites a prediction that mail-in rebates will be gone in 2-3 years.

Posted by Eric at 08:39 PM | [General](#) | [Comments \(1\)](#)

July 05, 2006

Initial Observations about California Living

I've created a new category for this blog, "California Living." This is the analogue to my "

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Wisconsin" category, which I haven't officially retired but isn't likely to see a lot of posts

To kick off the new category, some observations about my first two weeks as a repatriated Californian:

* California is more "all-American" than Wisconsin. Let me provide 2 data points in support:

- We expected that Wisconsin would epitomize the stereotype of friendly people who welcome new neighbors with tuna casseroles or baked goods. Instead, when we relocated to Wisconsin, most of our neighbors ignored us. This isn't a criticism, but it surprised us a little. In contrast, in our new home in Mountain View, we've had 3 different neighbors ply us with baked treats and at least a half-dozen neighbors have dropped by our home unannounced just to welcome us to the neighborhood.

- On Independence Day, we went to my sister/brother-in-law's neighborhood in Palo Alto. There, the neighborhood organized a "parade" of sorts. The parade's theme was "Fun with Food," so everyone in the neighborhood came out with various costumes festooned with food items (like the person wearing a box of Cheerios on her head). A fire truck (with lights flashing) led the parade and was followed by a marching band made up of neighborhood volunteers, which was followed by a volunteer flag team. Then, there were homemade floats with kids on bikes/skateboards/scooters, pets in costumes and people just marching. There were also people on stilts, people walking while juggling, kids being pulled in wagons, and lots of red, white and blue. Very few people actually watched the parade from the sidewalks; just a few people (including us) marched along. The parade then ended in the local park, where BBQs were smoking and serving up a lunch of burgers, chips and watermelon. Then, it was time for the games--sack race, three-legged race, water balloon toss, etc. What could be more all-American than this? But, in the heart of the Silicon Valley!

(Speaking of which, my son ate like an all-American yesterday. He plowed through popcorn, potato chips, 2 big slices of watermelon (with juice dribbling down his chin onto his shirt) and 2 juicy plums (ditto). Then, he complained of a tummyache. You would think he would have known better because he's read the *Very Hungry Caterpillar* many times!)

* On the subject of neighborhoods, I think of Silicon Valley as filled with lots of people in transition who are constantly moving in and out. So imagine my surprise when I learned that at least 3 of my immediate neighbors are the original owners of their homes (42 years!), another neighbor inherited the home from his parents, and we bought the home from the estate of a person who was an original owner. And the neighbors across the street have lived there 25 years. So instead of being a revolving-door community, we've moved into a community that is way more stable than I could have ever imagined (and with even less turnover than our neighborhood in Wisconsin).

* In California, the newspaper headline reads: Technologists figure out how to bypass China's Internet firewall. In Wisconsin, the typical Internet-related headline was: more predator

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found online! (there were at least a half-dozen front-page articles on that topic in the Milwaukee Journal-Sentinel during my 4 years there).

* Google/Earthlink are building the infrastructure to offer free wireless service throughout Mountain View. In practice, this means that every 4th or 5th street light has a little box with antennae on it. Unfortunately, the network isn't live yet, but I can't wait to get some free wireless Internet access! (yes, I am aware of the privacy concerns, but hey--AT&T is providing our DSL service. Need I say more?)

* Our local park has beautiful trees--Palm trees, Oak trees and (my favorite) Redwoods. The amazing thing is--all of these trees are *right next to each other*. It's like having 3 ecosystems ranging from desert to chaparral to rain forest, within the span of 50 feet.

* In the past two weeks, we've eaten at a vegan Chinese restaurant ([Garden Fresh](#), about 10 miles from our house), an all-vegetarian Indian restaurant ([Udupi Palace](#), which is absolutely terrific), and an Ethiopian restaurant ([Zeni](#) in San Jose). Interestingly, the latter 2 restaurants cater to strong ethnic communities; my wife and I were conspicuous minorities when we

* Not a single Californian has yet commented on my standard attire of [Texas with white s](#)

Posted by Eric at 06:38 PM | [California Living](#) , [Life in Wisconsin](#) | [Comments \(1\)](#)

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