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# MIT is crafting legal resource to aid students

By Martine Powers | GLOBE STAFF FEBRUARY 17, 2014

Members of the Massachusetts Institute of Technology community were applauding the university's president this weekend after he announced plans to establish an independent legal resource for students tangled in court issues as a result of their innovative work.

Rafael Reif's announcement came after members of MIT's faculty wrote a letter last week, signed by more than 800 others, that pushed for the institution to provide support to four undergraduates under investigation for fraud by the state of New Jersey because of a project that won them an award at a programming competition — a controversy haunted by the memory of Internet activist Aaron Swartz.

On Saturday, before the letter was even submitted to Reif, he responded in a campuswide letter — vowing support for the four students, and promising that the university would establish an initiative to serve students involved in legal battles that result from their entrepreneurial pursuits.

“Beyond this specific case, I believe we should provide our student inventors and entrepreneurs with a resource for independent legal advice, singularly devoted to their interests and rights,” Reif wrote.

The program, he added, “will add an essential new strength to MIT's innovation ecosystem.”

Ethan Zuckerman, director of MIT's Center for Civic Media and one of the authors of the letter that lambasted MIT's practices, called Reif's announcement "a very encouraging sign."

"It's a question of how we support students, faculty, or staff if they get into trouble with an innovative idea, and what is the institute's interest in ensuring that there is freedom to innovate?" Zuckerman said. "This is a terrific first step."

Reif, who could not be reached for further comment Sunday, did not include in his letter a timeline for when he planned to see such an initiative put in place, saying that he had asked for the university provost, chancellor, and general counsel to develop and submit a proposal.

In a statement Sunday, MIT chancellor Cynthia Barnhart said the team assigned to come with a proposal will begin their work immediately.

"We are just starting to imagine how it will take shape to serve [students] best," Barnhart said. "It will be important to build this thoughtfully and get the structure right, and we are eager to move on this quickly."

The New Jersey legal case that prompted Reif's letter centers on a computer program called Tidbit, which would allow users to avoid seeing advertisements on their webpages in exchange for loaning their computer's power to help mine for a digital currency known as "bitcoins." New Jersey officials have issued a subpoena for the program's source code, stating that it may have violated the state's consumer fraud act, though the students' attorney has insisted that the program is a harmless mock-up that would have sought out users' full permission.

But another case looms larger in the background: that of Swartz, an Internet activist who was not an MIT student but was indicted on federal felony charges after downloading millions of academic articles from a database using the university's network, probably with the intention of making them free to the public. One year ago, Swartz, who was 26, committed suicide. Many have argued that MIT should have intervened with federal prosecutors.

Zuckerman said he envisioned the new role as a “legal triage advisor” — not necessarily the student’s primary legal counsel, but a point-person with the university. Other schools, he pointed out, have had similar programs in place for years.

“In the case of someone creating an innovative new product and then getting into legal trouble doing something that was a part of their classwork — then, MIT absolutely does have a legal interest to be involved,” Zuckerman said.

Zuckerman said he hopes this is a first step in the university taking a more active role advocating for intellectual property rights.

“There are a whole lot of troubling laws on the books,” Zuckerman said.

One of the other authors of the letter, Hal Abelson, a professor of computer science and engineering at MIT, said he was pleased to see that Reif responded even before the online letter had been officially submitted — “That’s MIT quick!” Abelson quipped — and said it was a sign that the administration was listening to calls for enhanced involvement in students’ legal cases.

“This is a message to the whole community that MIT is serious about this,” Abelson said.

Abelson warned that the program, which he hoped to see in place by September, would need to be constructed with a critical eye — especially toward situations that could arise when legal counsel hired by the university is asked to provide advice with the student’s, and not the university’s, best interest in mind.

“I think there are possibilities of conflict of interest,” Abelson said. “That’s why it has to be very carefully designed.”

Reena Joubert, a senior majoring in earth atmospheric and planetary sciences, is a member of the MIT Society for Open Science — a campus group that advocates for access to data and transparency in scientific research. A photo of Aaron Swartz is featured at the top of its webpage. Joubert said Reif’s response made her hopeful the new initiative would empower students and faculty.

“I do think the key word in ‘resource for independent legal advice,’ ” Joubert said, “is ‘independent.’ ”

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