

Rothwell Figg Team Paves the Way for Legal Roadmap in Fighting Cyberattacks Against Epileptics

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For more than two years, a team of Rothwell Figg attorneys has represented prominent journalist Kurt Eichenwald, *pro bono*, in a matter arising from a cyberattack in which a strobe light GIF was sent to Eichenwald, a known epileptic. Now, the white supremacist accused of sending the moving image, John Rivello, is expected to plead guilty to aggravated assault, and the work of Steven Lieberman and Jennifer Maisel is setting precedent in areas such as free speech and criminal assault in the unwieldy fight against cyberbullies.

In December 2016, Mr. Eichenwald was sent a flashing strobe light with the phrase “You deserve a seizure for your posts” by an anonymous Twitter user who turned out to be Mr. Rivello. Mr. Rivello was upset about Mr. Eichenwald’s reporting on the Presidential election. As a result of the attack, Mr. Eichenwald suffered a near-fatal seizure. “He slumped over in his chair,” Steven told *The New York Times*. “He was unresponsive and he probably would have died but for the fact that his wife heard a noise — she’s a physician — and she pulled him away from the screen and got him onto the floor.” Mr. Rivello was subsequently indicted for aggravated assault with a hate crime enhancement in Texas, and he is expected to plead guilty to a charge of aggravated assault that caused serious bodily injury early next year.

Since the attack in 2016, cyberattacks targeting epileptics have been on the rise, with thousands of Twitter followers of the Epilepsy Foundation being targeted in November during National Epilepsy Awareness Month. However, Mr. Rivello’s guilty plea will provide a new course of action in combatting cyberattacks, and hopefully, put an end to them. Steven “has an arsenal of analogies he uses when comparing the assault to more commonplace violence. It’s like anthrax in an envelope, he said, or digging a pit trap for a blind person, or like shining a laser pointer in the eyes of a pilot trying to land a plane,” he told *The Washington Post*. “The fact that an electric impulse was used rather than an envelope for poison makes no difference. This is an issue of an assault using a new sort of

Key Contacts

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Related Areas of Practice

Media and Constitutional Law

technology.”

Steven is quoted in “A tweet gave a journalist a seizure. His case brings new meaning to the idea of ‘online assault’” (The Washington Post, December 16, 2019), “Epilepsy Foundation Was Targeted in Mass Strobe Cyberattack” (The New York Times, December 16, 2019), and “Seizure-triggering attack is stark example of how social media can be weaponized” (CyberScoop, November 17, 2019).

You can read more about the case in previous coverage on our website: Partner Steven Lieberman Quoted in Articles on Subpoena Challenge in Eichenwald Case (July 6, 2018); Judge Denies Motion to Dismiss Battery Claim in Twitter Attack on Journalist Eichenwald (May 31, 2018); and Rothwell Figg’s Steven Lieberman Quoted in New York Times, Other Publications, Regarding Arrest of Suspect in Kurt Eichenwald Case (March 17, 2017).