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Judge Thomas Jacobs says consequences of cyberbullying range from probation to prison.

A Click Away from Danger
Flagstaff resident and retired judge publishes book on cyberbullying law

By Betsey Bruner, FBN

When the internet took off and became mainstream three decades ago, a serious social problem slowly grew to become what retired judge and Flagstaff resident Thomas Jacobs considers the first pandemic of the 21st century: Cyberbullying.

Jacobs has written a landmark book on the subject, “Cyberbullying Law,” made available to the public this July by his publisher, the American Bar Association.

To date, no country has escaped this phenomenon. “With the ubiquity of cyberbullying affecting all ages and all aspects of life, from elementary school through university studies, in the workplace and through retirement, an awareness of the problem and how to best deal with it, and the civil and criminal consequences for thoughtless posts may prevent further incidents,” Jacobs said. “The opportunity to bully online is even greater now that COVID-19 has entered our lives. More of us, including moms, dads and kids, are working and schooling at home, often behind closed doors.”

As described in his book, cyberbullying is based on underlying acts. “Every state has criminal laws regarding harassment, intimidation, threatening and stalking,” Jacobs explained. “These apply to kids as well as adults. When done on a digital device, they constitute cyberbullying.”

When formal charges are filed against the bully, results “can lead to either dismissal through a diversion program, or conviction and sentencing, depending, of course, on the severity of the act and the victim’s injuries,” Jacobs said.

Consequences vary from probation to prison. This timely book contains a powerful collection of landmark court cases involving cyberbullying, as well as comments and legal research for attorneys, judges and anyone interested in the rights and responsibilities of those involved in cyber abuse or harassment.

“It is the nation’s first law book about this global phenomenon, with cases from the nation’s state and federal courts over the past 25 years,” Jacobs noted.

The reach of cyberbullying is wide and “is seen in all areas of the law and considered by litigants in not only juvenile court, but family court,” civil court and in wrongful death cases when the victim commits suicide, referred to as “bullycide” – when the suicide is at least in part the result of online bullying.

The dangers and tragedies caused by online bullies are often just a click away. “A fairly recent example of texting/bullying gone wrong involved 18-year-old Conrad Roy and his 17-year-old girlfriend, Michelle Carter,” Jacobs recounted. “They met online and developed a texting relationship. They met in person once or twice. After exchanging hundreds of emails, Michelle tired of Roy’s constant talk of suicide. She researched the subject and texted him that ‘You can’t think about it. You just have to do it. You need to do it.’

“She suggested methods of suicide for Roy to consider. Eventually, Roy ended his life by inhaling carbon dioxide while sitting in the cab of his truck. At one point, he got out, but Michelle convinced him to get back in, which he did.”

Carter was charged and convicted of involuntary manslaughter for her “reckless and wanton words contributing to Roy’s death,” Jacobs continued. “She was sentenced to serve 15 months in prison. In 2017, Roy’s mother filed a wrongful death lawsuit against Michelle, seeking $4.2 million. Michelle used her cell phone to bully Roy to death.”

Jacobs said this case is one of more than 200 cases in “Cyberbullying Law.”

It is important for everyone to understand that “the internet never forgets; once a user hits ‘send,’ the message or image cannot be taken back,” he emphasized. “Someone may take a screenshot of it and/or pass it on. The delete tab on one’s computer does not erase what’s already been posted.”

Insensitive comments may follow the creator of the message around and affect future endeavors such as employment, job promotion and military service, as well as one’s family and social life, he added.

Jacobs, 73, is married to Anne Lee Jacobs, and they have five adult children in their 40s.

After moving from the Valley to Flagstaff in 2006, Jacobs retired from the courtroom in 2008. Originally from Southern California, Jacobs moved to Tempe and graduated from Arizona State University.
It's About the Journey

By Bonnie Stevens, FBN

The grand opening for the Sedona Arts Academy (SAA) is scheduled for Oct. 17 at The Collective Sedona in the Village of Oak Creek as a community arts, performance and social center.

Sedona Arts Academy is a non-profit organization committed to providing educational and community programs to Sedona and Verde Valley residents and visitors. The Sedona Arts Academy and Community Center is an educational and cultural community center committed to innovation and creating art in all forms, including dance, art and music classes for adults and children, along with events.

Currently, plans are being finalized for installing art exhibits. Any artist working in the Verde Valley will be eligible to apply. In addition to recruiting individual artists, the program will also reach out to local arts groups, galleries, native communities and schools with the objective of attracting artists of all ages and experience levels, including children and first-time exhibitors.

Resident companies located at the Sedona Arts Academy and Community Center are Emerson Theater Collaborative, Sedona Chamber Ballet, Sedona Shakespearen Co. and Sedona Conservatory. SAA is located at The Collective Sedona, 7000 SR 179 Ste. C-100-104, Sedona, AZ 86351. For more information, call Camilla Ross at 928-288-2258 or email sedonartsacademy@gmail.com, FBN.

Downtown galleries and businesses like The Artists Gallery are featuring "Night Skies through Artist’s Eyes" exhibits through September and October. (courtesy photo)

Sedona Arts Academy Announces Grand Opening

It was a big surprise to me since I knew the phenomenon of cyberbullying was a growing international problem. There’s a country that isn’t confronting it as a societal problem affecting kids and adults alike. So, I repurposed the book for a new audience: lawyers, judges, law students and anyone interested in cyberbullying. The American Bar Association liked it, especially since such a book didn’t exist. The tools used by cyberbullies are many, including sending insulting or threatening emails, texts or instant messages directly to someone, as well as spreading hateful comments about someone through emails, blogs or chat rooms. Cyberbullies can also steal passwords and send out threatening messages using a false identity and even build a website to target specific people. Jacobs said that consequences for cyberbullying depend a lot on the age of the cyberbully, criminal history and the victim’s position in the matter. "It is generally believed that cyberbullying by juveniles should be dealt with in a diversion program in order to avoid a criminal or juvenile record that may follow them into their adult lives." Once the terms of diversion are successfully completed through community service, counseling, restitution or other requirements, "the case is closed and no record exists that could affect the offender later on," Jacob said. "Addressing cyberbullying done by kids is generally seen as a matter of education and rehu-