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J. ON TELECOMM. & HIGH TECH. L.

FROM THE EDITOR

This issue marks a new endeavor for the *Journal on Telecommunications & High Technology Law*. Quantitatively, we are increasing our annual run to three issues per volume. Qualitatively, however, we aim to steer JTHTL into new territory; we hope that issue three will come to focus on the life sciences, with a particular emphasis on the law, economics, and policy of the industry.¹ Bioscience companies received one third of the venture capital raised in Colorado in 2006, and the Fitzsimons Biobusiness Incubator (as well as its board members) continues to drive the bioscience industry to new heights in our state.² It therefore seems fitting to focus our editorial lens on an industry so crucial to the local and national economy, not to mention the educational environment at the University of Colorado.

With that goal in mind, this issue contains a student note focused on bioscience in criminal law and two articles on intellectual property issues, as well as a third article on telecommunications, our traditional strike zone. Patrick Haines embraces the DNA Fingerprint Act of 2005, defending the legality of a statute that requires any person arrested for a federal crime to provide a DNA sample. Professors Sicker and Ohm, along with Shannon Gunaji, reflect upon the “analog hole” in digital rights management schemes, and present their empirical study of consumers’ willingness to pay for copies made via the analog hole. Chris Riley, editor-in-chief of the *Yale Journal on Law and Technology*, examines the impact of the Supreme Court’s *Sony* and *Grokster* decisions on software innovation policy, while Robert Litan and Hal Singer round out the issue with their contribution to a long line of leading articles on network neutrality that have appeared in this publication.³

As I write this, snow is falling in Boulder, and the board of editors for volume five approaches the academic finish line. During the past 11 months, we produced high quality scholarship faster and cheaper, and

1. As Emerson said, “[a] foolish consistency is the hobgoblin of little minds[.]” RALPH WALDO EMERSON, *ESSAYS* 57 (1904).

2. See Will Shanley, *Colo. Firms See Venture Capital Drop*, DENVER POST, Jan. 23, 2007, at C4; ONBIOVC, ONBIOVC 1Q07 SUMMARY (Apr. 3, 2007), <http://ab.rubenstein.googlepages.com/OnBioVCSummary1Q07.pdf>.

3. See Neutrality Law Resources: Debates and Scholarship on Network Neutrality, <http://www.neutralitylaw.com> (last visited Apr. 13, 2007) (compiling articles from the *Journal on Telecommunications & High Technology Law* and the Silicon Flatirons Program concerning network neutrality).

with fewer resources than our predecessors. We created an amazing website, neutralitylaw.com, which compiles all of our scholarship and conference videos on network neutrality policy. We even added a third issue, which has served its intended purpose as a transitional device between graduating third-year editors and the incoming board. Finally, we moved from an asbestos-ridden office in the basement of the old law school into a shared space on the third floor of the brand-new Wolf Law Building, integrated our back office with that of the University of Colorado Law Review and the Colorado Journal on International Environmental Law and Policy, and increased our subscriptions by ten percent. In other words, the board of editors of volume five can depart CU Law with pride.

These accomplishments are due to the outstanding efforts of Kevin Bell, James Crowe, Preston Johnson, and Darlene Kondo. Becky Farr, Patrick Haines, Ryan Howe, and Justin Pless likewise helped to produce a wonderful crop of student notes and comments. Mark Walker, Danny Sherwinter, and Todd Spanier had to share an office with me this year, and for that alone they deserve an award. In the end, however, I know that David Wilson, Todd Blair, Carin Twining, and Michael Beylkin will put us all to shame when they take the helm of volume six.

Brad Bernthal, Dale Hatfield, the Silicon Flatirons Program advisory board, Paul Ohm, and Phil Weiser also deserve special thanks. In reviewing the 2L student note submissions for volume six, the value of Brad and Dale's help in that regard is self-evident. Paul served as an admirable pinch runner for Phil this year, offering a seemingly endless supply of support and advice, going so far as to take a hit (and a walk) by joining the Law School's Student Fee Committee, which helps to fund this publication. And then there's Phil.

With regards to Phil, it is enough to say that he exemplifies the following precept:

הִי כְבוֹד תִּלְמִידְךָ חֲבִיב עָלֶיךָ כְּשֵׁלְךָ, וְכְבוֹד חֲבֵרְךָ כְּמוֹרָא
רַבְּךָ, וּמוֹרָא רַבְּךָ כְּמוֹרָא שְׁמַיִם⁴

Along with the board of editors, I am pleased to offer this, the third and final issue of the fifth volume of the *Journal on Telecommunications & High Technology Law*.

Micah Schwalb
Editor-in-Chief

4. "Let the honor of your student be as precious to you as your own; and the honor of your colleague as the reverence due your teacher; and the reverence towards your teacher as your reverence for heaven." PIRKEI AVOT 4:15.

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