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FROM THE EDITOR

Larry Lessig argued in 1999 that “[w]e see something when we think about the regulation of cyberspace that other areas would not show us.”¹ The last decade has provided seemingly endless support for this proposition in the form of the constantly changing, organically evolving interaction between technology and law. I am pleased to present several articles exploring this dynamic in this second and final issue of the eighth volume of the *Journal on Telecommunications and High Technology Law*.

The issue begins with telecommunications policy, including Professor Rob Frieden’s detailed examination of recent failings at the Federal Communication Commission and an argument by Professors Robert Hahn and Hal Singer against government intervention in exclusive arrangements between mobile device firms and wireless providers. It then turns to privacy and law enforcement issues, with Electronic Frontier Foundation Legal Director Cindy Cohn criticizing the warrantless wiretapping regimes of the current and previous administrations and Chris Soghoian discussing the privacy implications of cloud computing. Finally, the issue concludes with explorations of copyright, including Blake Fry’s definitive piece on protection of typefaces and Professor Pam Samuelson’s consideration of the looming consequences of the Google Book Settlement for academic authors.

I am also pleased to present several notes from our editors that explore the dynamism of technology and law. Kelli Brensdal discusses the state of the patent safe harbor regime in light of the *Proveris* decision, Devin Looijen argues for a new paradigm for digital contracts, and Jeff O’Holleran tracks historical and ongoing attempts to legislate video game censorship. Finally, I am honored to have the opportunity to present my critique of Professor Orin Kerr’s controversial “substitution effects” justification for the Fourth Amendment’s third-party doctrine.

I offer my heartfelt thanks to all of our authors for their outstanding contributions to the *Journal*. In addition, I must credit much of our success over the past year to our outstanding faculty advisors, including Professors Paul Ohm, Harry Surden, Brad Bernthal, Andrew Schwartz,

1. Lawrence Lessig, *The Law of the Horse: What Cyberspace Might Teach*, 113 HARV. L. REV. 501, 502 (1999).

and Dale Hatfield, and thank them for their boundless investments of time and intellectual capital in the *Journal*. I also want to acknowledge Anna Noschese, Wendy Seltzer, Zach Mountin, Doug Edwards, Natalie Pusey, Cindy Gibbons, Martha Utchenik, and the rest of our colleagues at the Silicon Flatirons Center, the Colorado Law Review, and the Colorado Journal of International Environmental Law and Policy for all of their support.

The production of the *Journal* is a team effort that would not have been possible without the hard work of all our members and editors. In particular, special thanks are due to our Lead Production Editor Per Larsen for going above and beyond the call of duty in helping to prepare both our print and digital editions for publication.

I am pleased to be handing over the reins for the ninth volume of the *Journal* to an incredibly talented group of editors who will be led by Editor-in-Chief Eric Schmidt, Managing Editor Alison Baker, Executive Editor Catherine Holtgrewe, and Production Editors Therese Kerfoot and Jake Adkins. The outstanding dedication and skill they have demonstrated over the past year leaves me with tremendous confidence that the *Journal* will be in good hands, and I wish them luck for a successful year.

Finally, I owe a debt of gratitude to my wife and best friend Sara Reid, my mom Kathleen Ellis, and the rest of my family and friends for their infinite patience and support over the past year and throughout my law school career. I dedicate this issue to them.

Blake Ellis Reid
Editor-in-Chief



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