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Cover Letter

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Vol. XXI Issue 4

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Dear Readers,

The *Richmond Journal of Law and Technology* is proud to present its fourth and final issue of the Twenty-First Volume. At its inception in 1995 *JOLT* became the first law review to be published exclusively online. From this moment on, the *Journal* has continued to set trends in the legal scholarship world. As one of the leading publications in the legal technology field, *JOLT* has the privilege of publishing articles that address topics at the forefront of the law. The articles in this fourth issue are no exception. Each of the following articles present exciting discussions on cutting-edge areas of the law and give readers a glimpse into how technology has shaped and will continue to in the future. The *Journal* hopes that these articles will drive advancements in the law and in practice and looks forward to the discussions they evoke.

In our first article, entitled "Conducting U.S. Discovery in Asia: An Overview of E-Discovery and Asian Privacy Laws," authors Lynn M. Marvin and Yohance Bowden provide litigators with a helpful overview of taking discovery abroad, particularly in Asia. The article addresses the difficulties associated with cross-border discovery and presents a thorough overview of the state of discovery laws in Asia under the Asia-Pacific Economic Cooperation ("APEC"). As business has become more globalized, U.S. courts are tasked with resolving disputes between litigants located in different nations. The article explores the different laws associated with data collection, processing, and exportation in specific Asian countries and provides American litigators with helpful advice for proceeding with discovery in these regions. The authors conclude by urging U.S. attorneys who are faced with conducting discovery in Asia to consult with competent counsel and vendors in the specific country.

Our second article is written by Robert Sprague and is titled "Welcome to the Machine: Privacy and Workplace Implications of Predictive Analytics." The article discusses the use of data mining and predictive analytics in the workplace, specifically in the context of employee monitoring. Sprague acknowledges that while employers have used a variety of tools to monitor employees over the years, the rise of online social networking and communication has made an entirely new class of data available for assessment. The information collected from these online sources has the potential to be quite personal, and can reveal a lot about an employee's private life. Sprague warns that as of today there is almost no protection under U.S. privacy law regarding the type of individual "profile" that predictive analytics can generate. There is however, a developing privacy theory known as the "mosaic" theory that Sprague argues is an appropriate privacy protection method. The article provides a helpful description of the mosaic theory and concludes that unless a new theory of privacy protection is quickly adopted, individual privacy will continue to be at risk and used against us in increasingly harmful ways.

Author Robert Gruber provides our second article, entitled "Commercial Drones and Privacy: Can We Trust States with 'Drone

Federalism?’ The article provides a discussion on the regulation of commercial Unmanned Aerial Vehicles (UAVs) or “drones” under current and proposed legal frameworks. Gruber provides a background on the politically charged arguments as they relate to UAV regulation. In light of Congress’s Congress’ instructions to the Federal Aviation Administration (“FAA”) to present a plan for integrating UAVs into American airspace by September 2015, Gruber discusses existing state and federal laws governing civil drones and predicts how these laws may be adapted to commercial drone use. The article examines the extent to which the “third party doctrine” and the First Amendment protection of “information gathering” will apply to information gathered by commercial UAVs. Ultimately, Gruber concludes that the federalism model is not appropriate for UAV aircraft regulation in that it will stifle technological innovation and market demand.

Our final article, written by Andrew Sullivan and entitled “Ending Drunk Driving with a Flash of Light,” is the selected 2015 *JOLT* Student Comment. In his article, Sullivan acknowledges the devastating societal costs of drunk driving and asserts that the current state of criminal law in this realm is lacking. To solve this problem, Sullivan proposes that the National Highway Traffic Safety Administration (NHTSA) mandate the use of ignition interlock devices (“IIDs”) in vehicles. While the current state of IID technology has a ways to go before it can effectively be incorporated into an successful safety standard, it is advancing. In particular, Sullivan discusses Near Infrared (“near-IR”) Spectroscopy as a possible source of technology that can increase the effectiveness of IID. Ultimately, Sullivan argues that given the opportunity and the technology, the National Highway Traffic Safety Administration has the authority to issue regulations mandating the use of IIDs in vehicles.

On behalf of the entire 2014–2015 *JOLT* staff, I want to extend our sincerest thanks for your continued readership. I would also like to thank each of our authors for the time and hard work they have put into these articles. As always, *JOLT* greatly appreciates the ongoing support from the University of Richmond School of Law and is especially grateful for the guidance of our faculty advisors, Dean Jim Gibson and Professor Chris Cotropia.

On a more personal note, I wanted to extend my utmost appreciation and gratitude to the 2014–2015 *JOLT* Editorial Board and staff. It has been a pleasure serving as the Editor-in-Chief of Volume XXI and I could not have successfully completed the volume without the consistent hard work and dedication of the *Journal’s* members. On behalf of the outgoing class of 2015, I would like to wish Volume XXII and the new Editorial Board all the best as they continue shaping *JOLT’s* reputation as the leading publication in the legal technology world.

Sincerely,

Laura M. Bedson

Editor-in-Chief, Volume XXI

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