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Introductory Note

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NOTES ON LAW AND TECHNOLOGY

INTRODUCTORY NOTE

The forward march of technological progress demands a continuous reassessment of our current predicament. While many existing institutions stand upon a bedrock of historical tradition, the acceleration of modern invention serves to rapidly erode our unswerving reliance on these systems. Rather, the problems brought by rapid technological growth require creative analysis that extends beyond traditional methodology. Just as the Industrial Revolution shook business and legal institutions to the core in response to unforeseen possibilities, the Information Revolution has begun to strain the infrastructure of our current institutions. The Information Age, typified by instant global communication and the ability to conduct activities worldwide from the comfort of a desktop, heralds a new era of unforeseen possibility and opportunity.

In light of these changes, government and industry must graft their traditional practices and paradigms onto the novel circumstances that arise. While historic models serve an important function for evaluation of new developments, these models must change with the changing times. The legal system is not exempt from these changes. It, too, must work to meet the challenges of innovation. As the Information Age expands the ability to affect our environment, jurisprudence must reflect considerations of new harms, responsibilities, and rights. Although the situation may only yield old issues cloaked in new robes, a thorough legal analysis of Information Age innovations necessarily focuses upon resolution of inadequacies that arise through the application of traditional models to novel circumstances.

The *University of Richmond Law Review* recognizes the importance and immensity of such analysis and serves to provide thoughtful commentary on these critical issues. Following, the *Law Review* presents two articles that discuss how the court system currently applies traditional legal authority to components of the modern communications revolution that have altered our world.

The first article concerns the Fourth Circuit's treatment of personal jurisdiction in the context of Internet contacts. In *Telco v. An Apple a Day*,¹ the United States District Court for the Eastern District of Virginia found that a non-resident's use of on-line capabilities satisfied personal jurisdiction analysis. The article presented herein highlights the decision's place among a series of recent cases that address the rising issue of Internet contacts as applied to traditional personal jurisdiction analysis. In the second article, the treatment of unsolicited electronic mail is addressed through the Southern District of Ohio's recent decision in *CompuServe, Inc. v. Cyber Promotions, Inc.*² The rise in advertisers' use of e-mail to reach mass audiences at minimal costs has resulted in a clash between the rights of consumers and commercially acceptable speech. The *CompuServe* article addresses the changing face of the law in relation to novel technological innovations that challenge traditional legal analysis.

The *Law Review* notes that the following articles are not "casenotes" by definition. Instead, the cutting edge of progress requires a rapid assessment of the situation and thoughtful commentary *en route* to a final resolution. While the cases discussed herein are subject to appellate review and may lose precedential value in the event that they are later reversed, their analysis and context provide invaluable standards by which to judge the present shifting state of the law. Thus, an imperative duty exists to read these articles not only for their focus on the specific case law, but also their place among a much broader and unstable movement in the legal environment to rectify "Industrial Era" precedent with "Information Age" innovation.

1. 977 F. Supp. 404 (E.D. Va. 1997).

2. 962 F. Supp. 1015 (S.D. Ohio 1997).