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Dear Readers:

The *Richmond Journal of Law and Technology* is proud to present the first issue of the 2009–2010 academic year.

On April 10, 1995, the *Journal* became the first legal journal to be published exclusively online. At the time it was a bold and pioneering step into a tide of skepticism about the unknown world of the Internet. Over the years that tide has receded and the skepticism has been replaced by standard operating procedure; today many of the leading legal journals now provide an online version of their printed publications. This tidal change within the legal community illustrates the paradigm shift that technology—and maybe even this journal—set in motion so many years ago.

While evolution in technology is constant, it does not explain why we adapt and reject certain technologies. In our first article, "Dissonant Paradigms and Unintended Consequences: Can (and Should) the Law Save Us from Technology?," Donald Labriola explores the relationships between emerging technology and our cognitive dissonance, the noise that some seek to quiet with legal remedies. Labriola illustrates his point by referring to the paradigm shift that occurred in copyright law when the Supreme Court held that time-shifting of broadcast television (recording programs on your VCR to watch them at another time) was not infringement in *Sony v. Universal Studios*. Labriola asserts that lawmakers, regulators, and the courts must consider the effect of such dissonances when devising legal remedies to controversies created by disruptive innovation.

Technology changes the way we live and the way criminals make a living. Identity theft or fraud was the trade of con artists that relied on disguise and forgery fifteen years ago, but today it can be accomplished with a few lines of code. With more personally sensitive data collected every day, what is the best way to protect against data breaches? James Graves analyzes the possibility of providing data monitoring to identify fraud victims based on the medical monitoring used in toxic tort claims in our

second article, "'Medical' Monitoring for Non-Medical Harms: Evaluating the Reasonable Necessity of Measures to Avoid Identity Fraud After a Data Breach." Graves looks at the positions for and against data monitoring costs with insightful legal arguments that identify the shortcomings in the analogy between medical monitoring and data monitoring claims.

We all know that technology has the capability of resolving some problems and creating others, but some legal arguments remain constant as technology evolves. Our third article discusses an everlasting argument of royalty rates between record labels and recording artists. In "How 'Choruss' Can Turn Into a Cacophony: The Record Industry's Stranglehold on the Future of Music Business," Andrey Spektor looks beyond whether copyright royalties apply to Internet radio broadcasters like Pandora and digital music download sites like iTunes, and examines how much recording artists should legally receive from these emerging technologies. Spektor concludes that copyright law should be more conscious of accounting for the public interest that is derived from these new sources of digital music.

On behalf of the entire 2009-2010 *Journal* staff, I extend our deepest gratitude and sincerest thanks for your readership and support over the past fifteen years. The *Journal* is especially grateful for the continuing support and assistance of the faculty and staff at the University of Richmond School of Law, most especially the guidance we receive on a regular basis from our advisors, Professors Melanie Holloway and Jim Gibson.

We are confident you will enjoy our first issue. As always, your comments and suggestions are welcome at jolt@richmond.edu.

Best regards,

Robert Michaux
Editor-in-Chief