

Tech Children – Teach Your Parents Well



By Eric Sinrod,

Another year is in the bag, and many of us are bidding good riddance to 2008.

Apart from economic turbulence, looking in our 2008 rearview mirror, we see that while technological advances have continued to move forward at warp speed, the law struggles to catch up.

The point of this column is not to survey the various technological advances and resulting legal developments of 2008. To get a sense of those advances and developments, please go to <http://technology.findlaw.com/articles/sinrod/> where my prior columns are posted.

Rather, the narrow focus of this week's column is to raise a particular generational issue when it comes to the legal regulation of technological innovation.

Technological innovation at first is an unbridled force, exploding on the scene and in the context of pre-existing laws that do not always fully envision and encompass the newly arriving technology. Often, and especially when it comes to the Internet, innovations and advances are created by young adults, and sometimes even by teenagers and children. There can be little doubt that children, teenagers and young adults, who have spent relatively more of their lives than older generations in the new information technological age, are tremendous users and beneficiaries of innovations.

But as the law grapples with regulation of technological advances, generally speaking, much older legislators and judges are called upon to make important decisions as to where the law should go and what it should provide. For example, the Supreme Court currently is populated with justices who are in their 60's, 70s, and 80's. During the vast majority of their lives, the Internet was not on the scene as a commercial medium.

While President-Elect Obama has the potential opportunity to appoint several new members to the Supreme Court during his time in office, and while legislators frequently stand for re-election, it is not entirely likely that we will see many very young justices or legislators taking office. At least historically, it takes many years to develop judicial, political, party and/or sufficient economic clout for an individual to rise to true judicial and political leadership

positions. Indeed, so far, Obama has been picking very seasoned advisors, which in most contexts is advantageous.

But who knows? Obama's presidential campaign is testament to the fact that the ability of the Internet to allow individuals to convey their messages to millions of others at little cost may have started to change the rules of the game in terms of obtaining political office. Obama certainly will be one of our youngest Presidents.

Although Obama is young and technologically savvy himself, and while he has shown a willingness to appoint diverse government personnel, it might be safe to assume that most legislators and judges will continue to be replete with life experience (in other words, not terribly young). Therefore, it likely will remain the case that an older generation will continue to decide how the law will regulate technological innovation.

That generation should be careful to listen to younger generations in so doing, as the youth often knows the technology better and it is they who will live with it longer into the future. The incoming Obama administration already has shown an interest in making government more accessible to the public in terms of information technology and communication. As part of this process, children may be able to teach their parents well!

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