

Legal Concerns Went High Tech in 2012

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As we look back at 2012, it is clear that some of the most significant legal issues involved the intersection of the law and technology. Moreover, the impact of technology can be seen in nearly every area of law from criminal law to [business law](#).

In business law, the growing popularity of social media is causing headaches for many companies. While employers have attempted to adopt policies regulating the use sites like [Twitter](#) and Facebook, the National Labor Review Board has taken an active role in policing these policies to make sure that they do not restrict the rights of employees.

Legal disputes have arisen regarding [who owns an employees' Twitter or LinkedIn account](#) after they leave the company. Finally, data breaches also landed several big companies in hot water. Class-action lawsuits against LinkedIn, Zappos, and Citibank all highlighted that it is much easier to prevent a security breach than it is to clean up after one occurs.

In personal injury law, a [New Jersey lawsuit](#) made national headlines when a couple seriously injured in a distracted driving car accident attempted to hold the sender of the text message responsible for their injuries. The court, however, declined to buy into the argument that she was “electronically present” at the time of the crash.

In criminal law, efforts by law enforcement and prosecutors to use technology to build cases is being met with resistance by privacy groups and some judges. Groups like the ACLU rallied around Twitter when it fought a subpoena for user information in a criminal case against an Occupy Wall Street protestor. The Supreme Court ruled that police must obtain a warrant before using a GPS device to track criminal suspects. [Access to social media in prison](#) also became the subject of a lawsuit, although the Third Circuit Court of Appeals refused to find that an anti-Facebook prison policy rose to the level of a First Amendment violation.

While not as surprising, intellectual property law was also dominated by tech cases. The so-called “smart phone war” between Apple and Samsung is being waged in courts all over the world. Here in the U.S., a jury awarded Apple \$1.05 billion in damages. The [U.S. Supreme Court](#) is also grappling with new IP issues brought on by technological advances, such as whether isolated genes can be patented.

Finally, technology’s impact was also felt inside the courtroom. [New federal jury instructions](#) released in 2012 directly address the use of Twitter, Facebook, and other similar services by members of the jury. The rules require more frequent and explicit reminders aimed to deter the use of social media, particularly among younger jurors who are accustomed to “sharing” via Twitter and Facebook.