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Foreword

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FOREWORD

Mike Hatch†

I commend the editors of the *William Mitchell Law Review* for dedicating this edition to emerging privacy and e-commerce issues. Recent studies suggest that there are almost 200 million people on the Internet worldwide, and 80 million in the United States alone. Schools, local governments, businesses, and individual people are all quickly becoming a part of the new information age. Analysts estimate that $50 billion dollars of revenue will be generated through e-commerce this year, and that amount is expected to rise dramatically over the next four years.

Technology is changing the way we conduct business and interact with one another. Commercial and personal communication using computers is instantaneous and inexpensive. Technology creates new opportunities for reaching untapped markets and enhancing competition. It also changes the way businesses interact with each other and with their competitors.

These advances in technology also challenge us to make decades-old legal concepts apply to conduct carried out solely via the Internet or electronically. State and federal courts must determine whether they have jurisdiction over acts committed in cyberspace. Informal e-mail exchanges between employees may now be discoverable. An individual's property interest in a "domain name" or e-commerce innovation is unclear. Business-to-business websites raise the possibility of price fixing. And, determining when an individual consumer consents to a contract in an electronic transaction may be difficult.

Privacy has also emerged as one of the most important public policy issues of the information age. As privacy abuses by large corporations have come into national prominence, novel coalitions have formed among civil liberties activists, social conservatives, and libertarians in favor of more privacy protection. While the public overwhelmingly supports laws protecting the privacy of bank records, telephone records, and other sensitive personal information,

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such legislative proposals have largely been defeated by intense pressure from industry lobbyists. As a result, the boundaries of personal privacy are sometimes unclear, and courts will increasingly be asked to determine whether the common law or an existing statute may remedy specific privacy violations. Policymakers will also need to decide whether to empower citizens by requiring express permission before sensitive information about them is released.

In order to facilitate consumer confidence in this age of technology, it is critical to protect privacy and property interests. Our laws and legal system must adapt to the new technology. This edition of the *William Mitchell Law Review* provides a variety of articles that should provoke discussion and ultimately influence these public policy decisions.