# *silicon flatirons*

A Center for Law, Technology, and Entrepreneurship at the University of Colorado

2008

Annual Report

Elevating the National and International Debate on Technology Policy

Catalyzing Entrepreneurship and Engaging with the Colorado Technology Community

Inspiring Student Interest in Technology Law
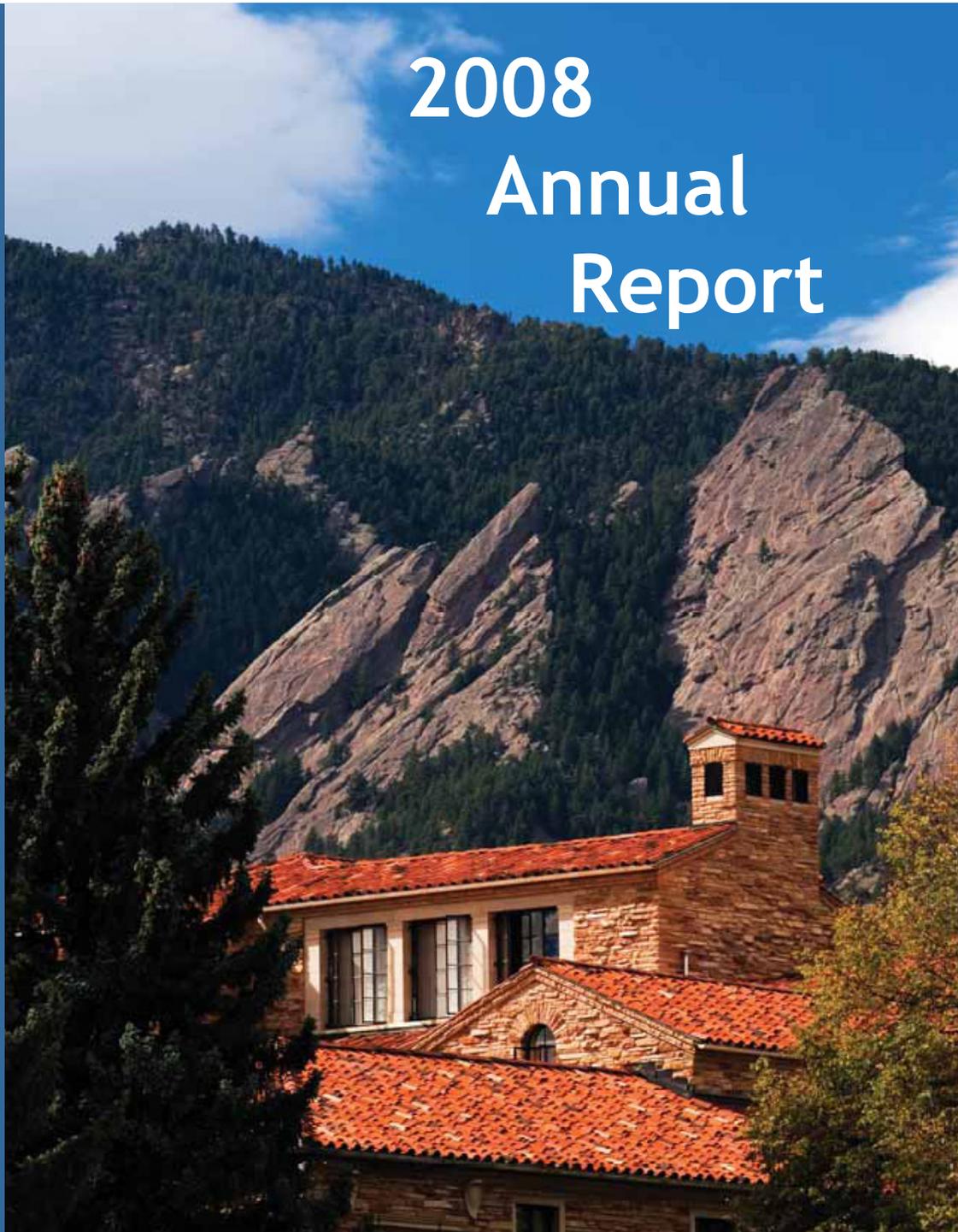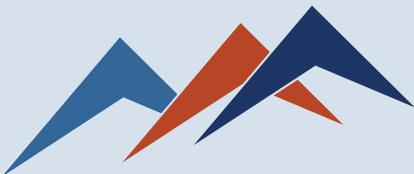
I continue to be amazed at the progress of Silicon Flatirons. The successes over the past year have bolstered our status as one of the nation's most comprehensive programs oriented around the Internet revolution. In short, 2008 marked a number of exciting new developments that will lay the groundwork for continued success in 2009.

Over the last four months, we made our mark in helping to set an innovation agenda for the incoming administration. Starting with our three events at the Democratic National Convention—one on Technology Policy, one on Public Safety Communications, and another on Intellectual Property—we helped lead the national conversation on the future of the information industries. In September, we hosted a very well attended conference in Washington, D.C. on "Innovation Economics for the Next Administration," and followed up with another successful D.C. event in January, 2009 on "Reforming the FCC." Also on the D.C. front, both Dale Hatfield and I were honored to serve on the Presidential Transition Team, focusing on the FCC and the FTC respectively.

Closer to home, we have stepped up our efforts on a variety of fronts. Hiring a first-rate administrator in Program Director Anna Noschese enhanced our effectiveness greatly. With her on board, we applied for and received "Center" status (thus the new name). Also thanks to Anna and Blake Reid, our first-rate webmaster and 2L wunderkind, we have a new website. As this website highlights, we have not only top-notch programming underway in the telecommunications and information policy fronts, but also an emerging Entrepreneurship Initiative. This initiative will culminate in the first-ever CU Entrepreneurship Week, which we will kick off with an April 13th dinner honoring Brad Feld, David Cohen, and three Entrepreneurs of the Year.

Over the last several years, we have recruited a number of talented faculty members and fellows. As I discussed last year, Paul Ohm's reputation continues to grow and he is a force within Silicon Flatirons. Notably, his recent article, *The Rise and Fall of Invasive ISP Surveillance*, was downloaded over 1,000 times on SSRN.com and formed the basis of a very successful conference we held in December 2008. Moreover, Paul took the lead on the Software Regulation Clearinghouse project as well as two roundtables—one on electronic discovery and another one privacy and data security.

Brad Bernthal is another superb asset. Brad is no stranger to Silicon Flatirons, having worked two years as our first fellow. He is now an Associate Clinical Professor and serves as the Director of our Entrepreneurship Initiative, leading our Entrepreneurial Law Clinic and Venture Capital Law class, overseeing our certificate in entrepreneurial law, and directing our increasing array of entrepreneurship-directed offerings. On top of that, he coaches our telecom law moot court team and directs the Glushko-Samuelson Technology Policy Law Clinic.

Our bench is getting deeper, thanks to some wonderful additions. On the faculty front, Scott Peppet and Scott Moss both recently joined Silicon Flatirons, working with us on our Entrepreneurship and Law and Economics initiatives respectively. All three law school hires last year—William Boyd, Andrew Schwartz, and Harry Surden—are now working with us as well. Moreover, in a great boost to our Entrepreneurship Initiative and Law and Economics work, Vic Fleischer is returning this spring after visiting at the University of Illinois for a couple of years. On the Fellows front, we look forward to continuing to work with Jill Van Matre, even as she transitions to ATLAS full-time as its Associate Director. Joining Silicon Flatirons last spring, Jill Rennert now provides critical support for our emerging entrepreneurship initiative. She is already off to a great start, spearheading the University's first cross-campus New Venture Challenge, which will be a centerpiece of the 2009 Entrepreneurship Week. During 2009, we envision hiring two more Fellows—one focused on intellectual property and another one focused on telecommunications policy. To top it off, we officially constituted a group of affiliated faculty, which include some of our most active contributors, such as Dale Hatfield (ITP), Doug Sicker (CS), and Laura Kornish (Business), are housed in Departments from Economics to Computer Science to Public Affairs, and work with us in our various research, outreach, and educational efforts.

Providing critical support are our Adjunct Fellows, each of whom bring invaluable talents to our programming and operations. Ray Gifford remains an essential part of our mission and success, co-directing with me the Institute of Regulatory Law & Economics (IRLE) and participating in a number of programs. Tom Lookabaugh, working with us on our Entrepreneurship Initiative, is an incredibly valuable advisor, supporter, and friend. Pierre de Vries, a true renaissance man, brings enthusiasm, perspective, and ambition as our first out-of-state Adjunct Fellow. Jonathan Sallet, a true policy wonk and leading thinker in the technology law and policy worlds, is our second out-of-state Adjunct Fellow and is working with Pierre on our new models of governance project. Bryan Tramont, our third out-of-state fellow, has led the development of the Hatfield Scholars and Research Program and teaches in Boulder every summer. We are incredibly lucky to have them all as participants in our work.

Over the last year, we have undertaken a number of initiatives designed to generate valuable insights, support policymakers, and develop opportunities for students. Over the next year, we look forward to providing valuable thought leadership to a new administration and moving our Entrepreneurship Initiative forward, doing our part to catalyze technological development and entrepreneurship.

As I noted at the outset, it is heartening how much we are able to accomplish and I very much appreciate all of the support we enjoy. If you have other suggestions for ways we can improve and grow, please feel free to email me (phil.weiser@colorado.edu) or give me a call (303.735.2733).

Cheers,

Phil Weiser

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Mission

Output

People

The Mission of Silicon Flatirons:

1. Elevate the debate around technology policy issues.

2. Facilitate networking, the development of "human capital" and the promotion of entrepreneurship in the Colorado technology community.

3. Inspire student interest in technology law and entre-preneurship.
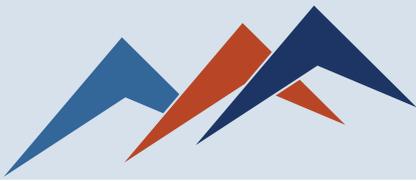
In 2008, Silicon Flatirons presented a set of programs that elevated the debate nationally around information policy issues that will confront the next Administration. Our 2008 conference series, including the Digital Broadband Migration conference, the Institute for Regulatory Law and Economics seminar and US Telecommunications Training Institute course all provided expert panelists and top instructors that attracted attendees from around the globe.

Our annual flagship conference, **The Digital Broadband Migration**, began our set of programs around information policy issues, which focused on *Information Policy for the Next Administration*. Panelists represented a thoughtful array of leaders from academic, industry, and governmental circles that explored the challenging policy issues that will be high on the new Administration's agenda. Papers that inspired these stimulating discussions are published in the *Journal of Telecommunications and High Technology Law*, which is sponsored by Silicon Flatirons.

A second initiative was the ongoing development of our **Flatirons Summits on Information Policy**. These summits, which bring together groups of individuals from across academia, industry, government, and public-interest groups, explore difficult issues and seek to develop thoughtful insights as well as consensus on key policy issues.

The first Flatirons Summit took place in the spring of 2007, focused on public safety communications. This discussion helped fuel a series of events, research, and activity, including a November 2007 conference on *Public Safety, New Technologies, and the Future of Emergency Response*, an article on public safety communications (by Phil Weiser and Dale Hatfield), a study evaluating the opportunities for upgrading the 911 system (by Phil Weiser, Dale Hatfield, and Brad Bernthal), and testimony to the U.S. Senate on such issues by Dale Hatfield and Phil Weiser. In the spring of 2008, the summit on *Self Regulatory Approaches for Addressing Network Management* led to a comprehensive report by Phil Weiser on the topic as well as to the follow-on project of *New Models of Governance*. The *Project on New Models of Governance: Toward Policy 3.0* extends the Center's track record of creating a forum where industry, academia and government meet to tackle complex issues of information policy, drawing on the leadership of Senior Adjunct Fellows Pierre de Vries and Jonathan Sallet to do so.

In August, Silicon Flatirons was very active during the Democratic National Convention in Denver, co-hosting three technology and innovation policy events. First, as a follow-up to the Digital Broadband Migration Conference, Silicon Flatirons brought local and national leaders from government and industry to discuss critical technology policy issues facing our country now and in the future at the *2008 Rocky Mountain Technology Roundtable*. Roundtable participants included U.S. Senator Jay Rockefeller, former FCC Chairmen Reed Hundt and Bill Kennard, Barack Obama's Technology Advisor Julius Genachowski, Symantec CEO John Thompson, TW Telecom CEO Larissa Herda, Foundry Group Managing Director Brad Feld and Phil Weiser as the moderator. The sessions

FCC Commissioner Adelstein, FTC Commissioner Leibowitz, Executive Director Phil Weiser at the Digital Broadband Migration
photo compliments of w3w3.com
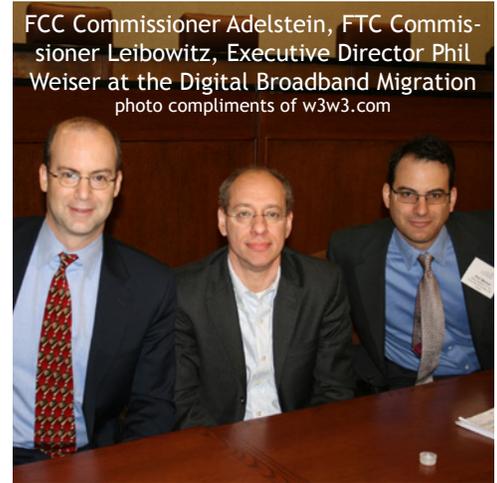
analyzed how the Internet has transformed American politics and can transform government, discussed policy strategies for promoting technological development and innovation, and evaluated how to enable consumers to reap the benefits and opportunities of the Internet age. Then, Silicon Flatirons co-hosted *Public Safety and Government Broadband: Advanced Wireless Technologies and the Road Ahead*, with Patton Boggs LLP. FCC Commissioner Jonathan Adelstein delivered a keynote address discussing the role of next-generation wireless technologies in public safety and government communications. A panel discussion followed, featuring Executive Director Phil Weiser, Colorado State CIO Michael Locatis, Core Capital Partners Managing Director Thomas Wheeler, and Roger Quayle, Chief Strategy Officer of NextWave Wireless. The discussion focused on the broad array of challenges involved in migrating government communications functions to next generation technologies, upgrading our 9-1-1 system to provide Internet and text messaging capabilities, enabling first responders to utilize broadband technologies that include video and data communications

in real-time, and promoting the use of sophisticated database information in the field by first responders in emergency situations. Finally, Silicon Flatirons co-hosted *Intellectual Property Policy and the Presidential Election: A Discussion on its Future by the Leading Policy Advisors to the Candidates*, partnering with the Colorado Bar Association's Intellectual Property Section. Newsweek Senior Editor and Columnist Jonathan Alter moderated a panel discussion between advisors to the presidential campaigns of Barack Obama and John McCain about their respective candidates' positions on critical intellectual property and technology policy issues.

Following the three events during the DNC, we hosted four other events this fall, starting with a September 5th event on *Deregulation Revisited: A Tribute to Fred Kahn*, featuring Fred Kahn himself as the keynote speaker. The conference drew an impressive crowd, with top executives, attorneys, professors, regulators, and economists, putting in clear focus the lasting impact of Kahn's leadership and vision. Kahn's sharp wit and insightful comments at age 91 stand as a powerful testament to his continuing engagement with the world of ideas. Fred Kahn's closing remarks, as well as an introduction by Charles Zielinski and an essay by Phil Weiser, *Alfred Kahn As A Case Study of A Political Entrepreneur: An Essay in Honor of His 90th Birthday* can be found on our website. On September 25, at the Newseum in Washington, D.C., Silicon Flatirons partnered with the Information Technology and Innovation Foundation to host an event focused on *Innovation Economics for the Next Administration*. Next up, we held an event

on *The Structure of the Video Programming Industry: Revolution, Regulation, or the Return of Yesterday's Battles?* at the Cable Center in October. At that event, Federal Communications Commissioner Michael Copps delivered a keynote address entitled "Moving into a New Age," in which he described how the Internet will—and won't—change everything as the industry evolves. The series ended this year with a conference on *The Law and Ethics of Network Monitoring*, which was inspired by an article written by Paul Ohm, "The Rise and Fall of Invasive ISP Surveillance," available at SSRN.com.

A full list of all conference agendas and panelists can be found on our website.

Phil Weiser, Affiliated Faculty Member Dale Hatfield, and Senior Adjunct Fellow Ray Gifford all continue to play a leadership role in the **Institute for Regulatory Law and Economics** (IRLE). Over the last year, Silicon

Flatirons took over sole responsibility for the Institute for Regulatory Law & Economics and fully organized and planned the annual conference. This intensive five-day seminar, designed to support thoughtful regulatory decision-making, brought state regulators from around the country to Aspen, Colorado last May.

In another new initiative directed abroad, Silicon Flatirons, working in partnership with the US Telecommunications Training Institute (USTTI) and co-sponsored by ATLAS, offered an intensive one week course on *Managing Effectively in the Changing Telecommunications Environment* to international telecommunications executives and regulators from 14 different countries around the world. This mini-course was a great success, bringing together a number of our top faculty members and adjuncts to present an interdisciplinary and engaging set of presentations.

Telecommunications Executives and Regulators from around the globe for the USTTI course with Professors Phil Weiser, Dale Hatfield and Jill Van Matre.
photo compliments of w3w3.com
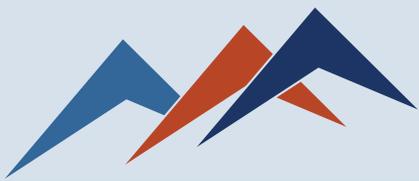
In 2008, Silicon Flatirons built on its success in telecommunications and broadened the scope to include a focus on information policy and entrepreneurship. Silicon Flatirons has sought to spur innovation across the University of Colorado campuses as well as within Colorado communities. Our exciting new Entrepreneurship Initiative, ambitious roundtable discussions, free legal service from the law clinics, and work with the Governor's Innovation Council continue to attract hundreds of participants from all sectors of the University and the wider community.

A particularly exciting development in 2008, which continues to gain momentum into 2009, is our **Entrepreneurship Initiative**. The Initiative sponsors a series of related programs designed to catalyze the local entrepreneurial community and activate entrepreneurial engagement at CU. As in past years, our entrepreneurship offerings included conferences on entrepreneurship, such as *Innovation, Intellectual Property, and Entrepreneurship in The Information Industries* (with Qualcomm CEO Paul Jacobs) and *A Talk With David Bonderman*, CEO of Texas Pacific Group. Additionally, the Entrepreneurial Law Clinic continued its support of local entrepreneurs developing a company around new technologies by providing free legal services to them. And our **Roundtable Series on Entrepreneurship, Innovation, and Public Policy**, sponsored by local venture capitalist Brad Feld, allows scholars, attorneys and business leaders to candidly discuss their ideas in an off-the-record forum that furthers Silicon Flatirons' goal of elevating the debate around cutting edge public policy issues confronting technologists and entrepreneurs.

Last fall, *The Entrepreneurial University Roundtable* explored how to strengthen the propensity of faculty and students to engage in entrepreneurial activities. Jim Crowe, CEO of Level 3 Communications, set the tone for the discussion by explaining how engaging with real problems and real organizations outside of the University keeps CU-Boulder healthy at its most basic level, while noting that CU-Boulder and the Denver/Boulder area are defining themselves as more entrepreneurial-oriented and business friendly. The spring roundtable, *The Private Equity Boom: Is It Over, Is It Sustainable, and What Is Its Long Term Economic Impact?*, was oriented around a series of insights shared by David Bonderman, co-founder of Texas Pacific Group, one of the world's preeminent private equity firms. Bonderman set forth a framework of perspectives concerning the private equity industry he has helped shape. These two roundtables produced insightful reports by Kaleb Sieh, a third year student at Colorado Law, which are available on the Silicon Flatirons website. In the spring, Silicon Flatirons hosted *The Promise and Limits of Social Entrepreneurship*. This roundtable inquired whether achieving social objectives is realistic in light of the commitment of for-profit business to maximize wealth for its shareholders and the often short-term focus of investors on profits. A report for this roundtable, written by Silicon Flatirons Fellow Jill Rennert, is also available on our website. Three other roundtables followed, *The Challenges Of Realizing Computer Security and Information Privacy in an Increasingly Regulated Business Environment*, *The Untapped Promise of Wireless Spectrum*, and *Entrepreneurship and Higher Education*, which will help inform a report to be submitted to the Governor's Innovation Council.

In addition to previously existing initiatives, Silicon Flatirons in 2008 elevated its entrepreneurship ambitions through several new or expanded offerings. For example, the monthly **New Tech Meetups** provided a platform for five aspiring entrepreneurs to present their business concepts to a gathering of local entrepreneurs, technologists, service providers, and students. Led by OneRiot's Robert Reich, this program has established itself as a great success, regularly attracting over 300 attendees and standing room only audiences. This event is a model for how the University and the surrounding community can engage in a productive and energetic manner.

Complementing the Meetups is our **Entrepreneurs Unplugged Series**, which provides aspiring entrepreneurs a chance to learn from thriving entre-

Brad Bernthal with Robert Reich, and Julie Penner at the New Tech Meetup

preneurs in a laid-back environment. The first Entrepreneurs Unplugged, on April 24th, 2008, attracted an overflow audience from across engineering, business, law and the outside community and featured Dan Caruso, CEO of Zayo Group, who provided valuable insight about his experience as one of the leading technology entrepreneurs in Colorado. The fall semester continued with a stand-out roster of entrepreneurs: on September 17th, we featured Paul Berberian, Co-Founder of Market Force Information, Inc. and Former CEO and Co-Founder of Raindance Communications, whose humorous stories about his 15 years of founding and co-founding several high-tech companies enlightened the audience. Then on October 23rd, Todd Vernon, CEO and Walter Knapp, COO of Lijit, shared their wide breadth of experience on the business and technical sides of creating start-ups. Finally, on November 19th, Roy Dimoff, Chairman and CEO of Viawest, spoke of his experience leading companies through all stages of the start-up process.

The **Crash Course Series for Entrepreneurs** has provided focused discussions on legal and business topics that entrepreneurs confront when launching new ventures. The first Crash Course Series for Entrepreneurs was held on January 23rd, led by Jason Haislmaier, a Partner at Holme Roberts & Owen LLP. The series continued in the fall on November 12th with a course on *Growing a Startup Amid Uncertain Economic Times*, and featured a panel of experts including Jim Cowgill of EKS&H, Jason Mendelson of Foundry Group, Kendall Fugate of Square 1 Bank, and Niel Robertson, CEO of Palio. On De-

cember 3rd, Jason Haislmaier returned with a follow-up crash course on *Intellectual Property for Entrepreneurs*.

These programs provide substantial support for participants of the first ever campus wide **CU New Venture Challenge** - which is a partnership with the Alliance for Technology, Learning, and Society (ATLAS) Institute, the Business School's Deming Center for Entrepreneurship, the College of Engineering's E-Ship Program, the Technology Transfer Office (TTO) and the Interdisciplinary Telecommunications Program (ITP). The New Venture Challenge finals will take place during our Entrepreneurship Week this spring, April 13-17, which will feature an Entrepreneurs of the Year Dinner, a New Tech Meetup, an Entrepreneurs Unplugged, and the conference *Putting The Entrepreneurial Ecosystem in Perspective* with keynote speaker Karl Ulrich, CIBC Professor of Entrepreneurship and e-Commerce at the Wharton School of the University of Pennsylvania. More information about the **Entrepreneurship Week** and upcoming events is available on our website.

Silicon Flatirons is fortunate to be closely involved with the **Colorado Innovation Council,** established by Governor Ritter to assist the state as it reforms and improves its use of information technology. The Council is co-chaired by Silicon Flatirons Executive Director Phil Weiser and Advisory Board member Brad Feld, and composed of other experts from around the state, many of which are on the Silicon Flatirons Advisory Board. Last November, Silicon Flatirons partnered with the Council for the **Colorado Broadband Summit**.

Governor Ritter at the Broadband Summit

Over 300 guests from around the state attended the Summit at Level 3 Communications in Broomfield, where panelists discussed the potential for widespread broadband access to improve education, health care, and energy conservation – but not before Colorado delivers broadband to the many rural and mountain communities that lack the technological infrastructure to support such data-intensive applications. Governor Bill Ritter, who campaigned on a "Colorado Promise" that included support for statewide broadband deployment, addressed the group about the importance of high-speed connectivity to the state's economy and citizens. James Crowe, president and CEO of Level 3 Communications, delivered a keynote address exploring the meaning of "broadband" and urging the audience to embrace and promote the still-emerging technology.

These programs and initiatives continue Silicon Flatirons' mission to elevate the debate and facilitate networking in the Colorado technology community. Beyond Colorado, Silicon Flatirons also presented a set of programs in 2008 that elevated the debate nationally around information policy issues that will confront the next Administration.
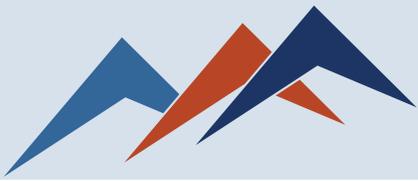
Silicon Flatirons' mission to inspire student interest in technology law and entrepreneurship blossomed in 2008 through the critcal work of the Entrepreneurial Law Clinic, the Glushko-Samuelson Technology Policy Law Clinic, the Journal of Telecommunications and High Technology Law, the Dale Hatfield Scholars and Research Program, the Silicon Flatirons Writing Competition, and the Spring & Fall Challenge Series.

The successful **Glushko-Samuelson Technology Policy Law Clinic**, made possible by a generous gift from Bob Glushko and Pam Samuelson, has enabled the students in the clinic to take on a variety of projects. Topics included an analysis of CALEA obligations as applied to Community Wireless Networks, a proposal concerning how to better protect unwitting consumers from harm related to malicious piggy-backers on wireless networks, impressive presentations and papers on broadband policy in Colorado prepared for the Governor's Innovation Council, support for Prometheus' FCC filings on behalf of low power FM broadcasters, proposed legislation concerning a soft dial tone mandate in Colorado (which would require certain telephone providers to permit emergency calls after disconnection of service), and a draft of model state legislation concerning a mandate for open document formats.

One Clinician, Blake Reid, represented J. Alex Halderman, professor of electrical engineering and computer science at the University of Michigan, before the Copyright Office of the Library of Congress, in the matter of *Exemption to Prohibition on Circumvention of*

Colorado Law Students Kyaw Tin, Marta Jucha, Hiwot Molla

Copyright Protection Systems for Access Control Technologies. In 2006, Professor Halderman and Ed Felten worked with the Berkeley clinic to get an exemption for cracking technological locks on software in the interest of computer security research on music CDs. For this hearing, Reid, along with Colorado Law Professors Paul Ohm, Harry Surden and Brad Bernthal, aimed for a similar exemption for security research on video games, and alternatively, many other computer-accessible works. A full brief can be viewed here: http://www.cse.umich.edu/~jhalderm/pub/papers/gametpm-dmca08.pdf.

In the **Entrepreneurial Law Clinic,** students provide free legal services to local start-ups and small businesses in need, and cover the business law spectrum, including entity formation, intellectual property, employment, and contracts. This past fall, students provided on-going legal work for 12 local start-ups at their formative stages, including a solar installation company, a company specializing in "green" cleaning products, and the Boulder Innovation Center. In addition, students conducted outreach presentations to area entrepreneurs, such as individuals who are enrolled in Mi Casa's "how to start a business" course. The law students explained legal issues on how to organize a business, ranging from selection of the "right" type of business entity to the mechanics of how to file organizational materials properly with the Secretary of State. This type of outreach presentation allows law students to reach people that don't often have ready access to attorneys and legal advice.

Also related to public outreach, two students received support for summer internships in Washington D.C. through the **Dale Hatfield Scholars and Research Program**. The Program was made possible by a number of very generous contributors (who are listed on our website) honoring Dale Hatfield and his commitment to public service. Rebecca Coffelt, a third year law student, worked as an intern for Commissioner Jon Leibowitz at the Federal Trade Commission. Coffelt explained that "this was an opportunity to take what I had learned in a classroom about policy and law and apply it in a setting

where these ideas were heard by those making the important decisions. I felt how rewarding it was to use my legal training in the fight for the public good on a systematic level." Vikram Thakur, a second year ITP student, worked at National Emergency Numbers Association (NENA), a not-for-profit organization facilitating improvement and implementation of universal 9-1-1 services. Through this experience, Thakur explained, "I acquired an insight into the vendor related and commercial aspects of NG 9-1-1 and a deeper understanding of the role of NENA and other players in the NG 9-1-1 effort." Reports by Coffelt and Thakur can be found on our website.

These valuable real life experiences are the inspiration for simulating controversial cases each year in the **Fall & Spring Challenge Series**, which is co-sponsored by Silicon Flatirons and conducted by the Interdisciplinary Telecommunications Program, to address current issues in the telecommunications industry. This year's challenges were made possible by donations from Accenture, Magpie, Perficient and Robert McKenzie. The Fall Challenge topic involved the debate over the use of empty TV spectrum (or "white spaces") for unlicensed wireless services.

Writing Competition Winner
David Wilson

Acting judges from Accenture, Magpie, Deloitte, Perficient and ITP faculty pretended to be FCC Commissioners. The student teams presented persuasive arguments based on viewpoints from each of the following groups: the National Association of Broadcasters, the White Spaces Coalition, and the Consumer Advocacy Group. The first place winners for this year's Fall Challenge were Jamie Guthridge, Ankur Agarwal, Robert Houston, and Colleen Seltz, representing the viewpoint of the National Association of Broadcasters. The first place Spring Challenge winners were Mutaher Azad and Arunkaruppaiya Adaikalam for their presentation on the broadcast flag.

The **Silicon Flatirons Writing Competition** also inspired students again this year by accepting submissions of papers written about a topic involving law and technology in order to promote and encourage among students the continued pursuit of the research, the planning, the organization, the writing, and the editing of scholarly papers in this field. This year's papers were read and judged by a panel of attorneys at Faegre & Benson, the sponsor of this contest. We are pleased to announce that this year's winner was David Wilson, who graduated last spring, served as the Editor-in-Chief of the Journal, and is now an Associate at Townsend Townsend & Crew. Wilson wrote a paper entitled, "Weaving the Navajo.Net: Advanced Telecommunications Services, Cultural Adaptation, and the Navajo Nation's 'Internet to the Hogan' Technology Plan," a paper which examines the cultural and legal issues surrounding the Navajo Nation's efforts to provide and regulate advanced telecommunication

services, specifically high speed wireless Internet access, on tribal lands. Wilson received a $500 check from Faegre & Benson and his paper will be published in the next Journal of Telecommunications and High Technology Law.

The **Journal of Telecommunications and High Technology Law** (JTHTL) was launched seven years ago by a group of law students and Professor Phil Weiser. Today, the JTHTL stands at the forefront of many critical debates affecting technology policy, including most notably the debate surrounding network neutrality. In 2008 the following board members were elected: Editor-in-Chief Hiwot Molla, Executive Editor Kyaw Tin, Managing Editor Erin McLauthlin, Production Editor John Bergmayer, Assistant Production Editor Chris Larson, Lead Article Editor Brian Wolf, and Lead Casenote and Comments Editor Dana Jozefczyk. Most of the JTHTL's articles arise from work presented at the Digital Broadband Migration conference. The next volume will publish articles by Peter Swire, Kevin Werbach, and Arti Rai, along with four articles from students, including Dana Jozefczyk, Paul Shoning, John Bergmayer and David Wilson.

Inspiring students is a critical part of Silicon Flatirons mission and students are a crucial part of the operation of Silicon Flatirons. We would like to thank the following students for their dedication and hard work during 2008: Todd Blair, Dan McCormick, Kyaw Tin, Hiwot Molla, Eric Schmidt, Kaleb Sieh, Sushma Mallikarjunaiah, Julie Penner, Django Andrews, and our MVP for 2008, Blake Reid.
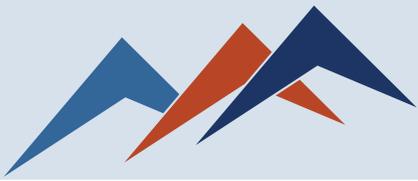
Silicon Flatirons brings together a number of faculty members from across the University of Colorado to engage in interdisciplinary research on an array of topics including public safety communications, our contributions to the network neutrality debate, hosted at neutralitylaw.org, new institutional economics and the Software Regulation Clearing House. Our researchers are tackling these topics and convening different forums to develop greater insights and, in some cases, build consensus on important public policy issues.

New Institutional Economics (NIE) is increasingly influencing scholarship across a variety of disciplines and providing an analytical framework that is uniquely promising for legal scholarship. NIE examines how institutions--formal legal rules and informal social norms--govern the behavior of individuals and firms, as well as how organizations use governance rules to operate effectively (or not). Significantly, NIE has provided scholars with the necessary tools to examine how institutions and organizations operate in practice, eschewing theory for theory's sake, and thus has motivated the use of experimental economics to test the impact of different legal rules. To provide a valuable examination of NIE, Silicon Flatirons assembled a faculty of leading scholars in the field, including Lee Alston, Lynne Keasling, Gary Libecap, Henry Smith, and Tom Ulen; we held a workshop last June, *Mapping the Legal Frontiers of New Institutional Economics and Experimental Economics* which provided legal scholars from around the country with an accessible and engaging account of what NIE is about, and how it offers an insightful analytical framework. Presentations from this workshop are available on our website. For spring of 2009, we will hold another such workshop on June 4th and 5th, exploring additional frontiers and giving academics a chance to present NIE-related scholarship. Those interested in this program should see the materials on our website or contact Victor Fleischer, who is spearheading our Law and Economics initiative, at victor.fleischer@gmail.com.

The Software Regulation Clearing House (SRCH) is an initiative designed to track the governmental regulation of software development. It was made possible by a grant from the Ewing Marion Kauffman Foundation. The SRCH collects information about statutes, administrative regulations, and case law--Federal, State, and, to a lesser extent, Foreign--that either mandate or prohibit particular features or functionality in software. Some examples include the Digital Millennium Copyright Act (DMCA), the Communications Assistance for Law Enforcement Act (CALEA), Broadcast Flag, and proposed Spyware legislation. The SRCH project is at the intersection of education, scholarship, and entrepreneurship, and takes an academic approach to tracking the type and extent of software regulation. Silicon Flatirons' Paul Ohm, a professor of Criminal Procedure, Intellectual Property, and Computer Crime Law, initially conceived of the SRCH, and worked with other Silicon Flatirons faculty to make it a reality. Paul's scholarship exploring new frontiers in this area continues to attract attention, with his latest piece on The Rise and Fall of ISP Surveillance sparking a national debate on the future of information privacy and setting the stage for further work by Silicon Flatirons in this area.

Silicon Flatirons is also involved in elevating the debate surrounding **Public Safety Communications** issues and has held several events surrounding this issue. Several Silicon Flatirons faculty have heavily researched the topic and produced valuable publications which can each be found on our website.

The recently announced **New Models of Governance** initiative seeks to identify emerging principles and best practices as public and private institutions address Internet-related policy concerns. It is led by Senior Adjunct Fellows Pierre de Vries and Jonathan Sallet and encompasses a range of Center activities. In June of 2008, we hosted a Flatirons Summit on "Exploring Self-Regulatory Models for Network Management," leading to a paper authored by Phil Weiser (available on our website). This discussion provided a research agenda for the following year, highlighting the need to investigate the effectiveness of public regulation (e.g., the FCC) and standard setting bodies in the Internet economy. We evaluated how the FCC operates at a well-attended C-SPAN televised conference on reforming the agency in January 2009, presented in collaboration with Public Knowledge. The discussion began at that conference continues at a website, http://fcc-reform.org, which includes Phil Weiser's keynote paper, a series of response papers, and opportunity for public input. Over the spring of 2009, the New Models of Governance project will evaluate the effectiveness of standard setting in two roundtables, focusing on the emerging Internet Protocol Multimedia Subsystem (IMS) standard, and on the role of intellectual property rights in connection to standard setting, respectively. If you have suggestions on the initiative, please contact either Pierre de Vries or Jonathan Sallet.

Crash Course: Intellectual Property for Entrepreneurs, January 23

The Digital Broadband Migration: Information Policy for the Next Administration, February 10-11

Roundtable: The Private Equity Boom: Is It Sustainable and What Is Its Long Term Impact?, February 22

Private Equity, Sovereign Wealth Funds and Today's Capital Markets: A Talk with David Bonderman, February 22

Roundtable: Taking Stock of the Emerging Regulatory Regime for Computer Security and Information Privacy, March 4

Innovation, Intellectual Property, and Entrepreneurship in The Information Industries, March 4

The War on "Piracy": A Fight for Industry Survival or a Failed Approach?, April 9

Entrepreneurs Unplugged: With Dan Caruso, CEO of Zayo Group, April 24

Roundtable: The Promise and Limits of Social Entrepreneurship, May 1

Institute for Regulatory Law & Economics Annual Seminar for State Public Utility Commissioners and Staff, May 17-21

Flatirons Summit: Exploring Self Regulatory Strategies for Network Management, June 9-10

Sports Programming and the Referees, June 10

Mapping the Legal Frontiers of New Institutional Economics and Experimental Economics, June 11

Property Works In Progress Conference, June 13, 14, 15

Roundtable: The Untapped Promise of Wireless Spectrum, July 21

The Future of Cable, July 22

2008 Rocky Mountain Technology Roundtable, August 26

Public Safety and Government Broadband: Advanced Wireless Technologies and the Road Ahead, August 27

Intellectual Property Policy and the Presidential Election: A Discussion on its Future by Leading Policy Advisors to the Candidates, August 28

Deregulation Revisited: A Tribute to Fred Kahn, September 5

Entrepreneurs Unplugged: With Paul Berberian, Co-Founder of Market Force Information, Inc., September 17

Innovation Economics for the Next Administration, September 25

The Structure of the Video Programming Industry: Revolution, Regulation, or The Return of Yesterday's Battles?, October 17

Entrepreneurs Unplugged: With Todd Vernon, CEO and Walter Knapp, COO of Lijit, October 23

Crash Course - Growing a Startup Amid Uncertain Economic Times, November 12

Colorado Broadband Summit, November 14

Entrepreneurs Unplugged: With Roy Dimoff, Chairman and CEO of Viawest, November 19

Crash Course - Intellectual Property for Entrepreneurs, December 3

The Law and Ethics of Network Monitoring, December 5

Roundtable: Entrepreneurship Education, December 11

Monthly New Technology Meetups
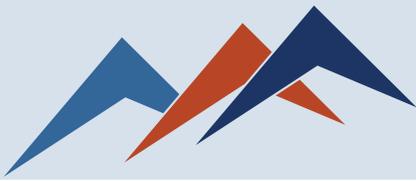
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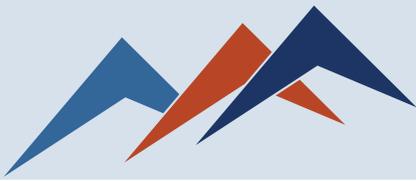
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