

Case Western Reserve

Journal of Law,
Technology & the
Internet

Volume 4, Issue 1
Fall 2012



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

The Journal of Law, Technology & the Internet ("JOLTI") is published by the students of Case Western Reserve University School of Law. The views expressed in this issue are those of the authors and do not necessarily reflect the views of JOLTI, its Editors and Staff, or the Case Western Review University School of Law.

dealing with JOLTI welcomes submissions of original articles. Possible topical areas include: patent law, copyright law, trademark law, entertainment law, cyber law, telecommunications law, and law regulating nascent technologies. JOLTI conforms to *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 19th ed. 2010). Style conforms generally to *The Chicago Manual of Style* (16th ed. 2010).

The JOLTI Executive Board will consider submissions for publication. The Executive Board regrets that it cannot return submissions to authors unless a self-addressed stamped envelope accompanies the manuscript. Correspondence and manuscripts should be sent to:

Managing Editor
Journal of Law, Technology & the Internet
Case Western Reserve University School of Law
11075 East Blvd, Cleveland, Ohio 44106
Telephone: (216) 223-8529
Email: JOLTI@case.edu

All accepted manuscripts are subject to editing. Manuscripts selected for publication are accepted with the understanding that editorial changes may be made to improve readability and to ensure conformity with style policy. Accepted manuscripts become the permanent property of JOLTI and may only be published on SSRN with prior written permission. Any correspondence regarding subscriptions or reprints should be sent to the Managing editor at the address listed above.

For all photocopy or republication requests, please contact Copyright Clearance Center, Inc. by mail: 222 Rosewood Drive, Danvers, Massachusetts 01923; info@copyright.com, or online at www.copyright.com.

Selected JOLTI articles are available on LexisNexis, Westlaw, and HeinOnline. This issue went to press in Spring 2013.

JOURNAL OF LAW, TECHNOLOGY & THE INTERNET

Volume 63

Fall 2012

Issue 1

Editor in Chief
EMILY GURSKIS

Managing Editor
CASEY FITZPATRICK

*Executive Articles Editor &
Symposium Coordinator*
SARA KOHLS

Executive Notes Editor
KENNETH SMITH

*Executive
Comments Editor*
DEREK SCHEURER

*Production Editor &
Associate Coordinator*
SARA KUEHNLE

Contributing Editors
KYLE COLONNA
SANA AHMED

TOM AU
CLAIRE DAVIS
ZACH GRIFFIN

Senior Editors
NICHOLAS LANPHEAR
JENNA LEVENTOFF
CHRIS KOLMER
NEAL ROBIN

BILL SAMORE
AMY WOJNARWSKY
BEN ZIMMERMAN

RACHEL BERMAN-
VAPORIS
LEANNE DAO
DIANA FEITL
APRIL GREGORY

Associate Editors
MATTHEW HANNA
MARIA HIBBARD
MARYBETH MUSSEY
MEGAN ORMOND

ANKIT PATEL
SHIRA STRAUS
JESSIE YANG
NATHAN ZION

Faculty Advisors
CRAIG NARD
DALE NANCE
ERIK JENSEN

REFERENCE LIBRARIAN
JUDITH KAUL

JOURNAL OF LAW, TECHNOLOGY & THE INTERNET

Volume 4

Fall 2012

Issue 1

ARTICLES

- Responding to Self-Produced Child Pornography:
Examining Legislative Successes and Shortcomings to Reach
Appropriate Solutions 1
Shawn Barnes
- Do RoboMemes Dream of Electric Nouns?: A Search for the Soul of
Legal Writing 41
Ian Gallacher
- The Sound of Silence: 59
The Legality of the American “Kill Switch” Bill
Deborah Beth Medows

NOTES

- Autonomous Cars and Tort Liability: Why the Market Will “Drive” 81
Autonomous Cars Out of the Marketplace
Kyle Colonna
- Drone Strikes on Citizens: Ensuring Due Process for U.S. Citizens 131
Suspected of Terrorism Abroad
Casey Fitzpatrick
- Searching the Clouds: Why Law Enforcement Officials Need to Get 169
Their Heads Out of the Cloud and Obtain a Warrant Before
Accessing a Cloud Network Account
Sara Kohls
- Saving the Spotify Revolution: Recalibrating the Power Imbalance 207
in Digital Copyright
Jordan Teague
- Parol Metadata: New Boilerplate Merger Clauses and the 237
Admissibility of Metadata Under the Parol Evidence Rule
Thomas H. White