

# Dean's Column



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## DRONE LAW TAKES OFF AT UNLV

In 2013, when the Federal Aviation Authority designated Nevada as one of six national test sites for the testing of unmanned aerial systems (UAS) or drones, Nevada became a hotspot for exploring this new technology and its legal implications. By some estimates, drones could create significant job growth in Nevada, with an economic impact in the millions, if not billions, of dollars during the decades to come. Anticipating the importance of drones in Nevada and across the country, the William S. Boyd School of Law has positioned itself at the forefront of discussions on how the new technology will impact the legal landscape.

As with any groundbreaking technology, drones present an opportunity for experts and students across disciplines to explore how this rapidly evolving technology will reshape the law. In 2014 Boyd hosted “A Symposium on UAS in Nevada,” in partnership with the law firm Fennemore Craig. The symposium brought together government, academic and legal experts from Boyd, UNLV’s criminal justice department, Desert Research Institute, Fennemore Craig, UNLV’s Howard R. Hughes College of Engineering and the Nevada Governor’s Office of Economic Development. This kind of collaboration among industry, government and higher education could not have been realized without the contributions of Joseph Brown, a director at Fennemore Craig, and Boyd alum Ted Wilczek, Aerospace and Defense Industry Specialist at the Governor’s Office of Economic Development. Brown has long been recognized as a national leader in government relations law and has served Nevada and the federal government in many capacities. Wilczek’s leadership has helped Nevada move to the forefront as the potential of drone technology comes closer to actualization.

Boyd Professor Rebecca L. Scharf, whose scholarship focuses on privacy law and technology, introduced keynote speaker Erwin Chemerinsky, dean of the University of California, Irvine School of Law. Chemerinsky focused on the critical

need to develop legal protections for information privacy in the area of UAS. Professors John Valery White and Scharf are playing leading roles in developing policy for this new technology. White, who presented as part of a distinguished panel on UAS at the United States District Court Conference in May, currently serves as Chairman of the Nevada Institute for Autonomous Systems (NIAS). The NIAS is a nonprofit organization promoting collaboration among researchers, educators and industry leaders for the purpose of creating a safe climate for UAS research and development, while protecting privacy and public safety. Scharf, who teaches privacy law, is a member of the Association of American Law Schools Defamation and Privacy Section, and writes on the intersection of UAS and privacy law.

Boyd is one of the only law schools in the country to offer a course devoted entirely to drones and the legal and social issues they raise. Last spring, Professor Steven Bates of UNLV’s Greenspun College of Journalism teamed up with Adjunct Professor of Law Richard Jost of Fennemore Craig to offer a cross-disciplinary course entitled “Drones and Privacy Law.” This course was open to both law students and UNLV graduate students from other disciplines, such as engineering. The course enabled students to understand current and future drone capabilities, to recognize privacy concerns that are raised by both government and private



surveillance, and to evaluate current and proposed drone regulations. Students also considered drone surveillance and newsgathering in the context of the First and Fourth Amendments and applied intellectual property law to drone technology.

Boyd students are also shaping the legal framework for drones in Nevada. Nevada Boyd law student and State Assemblyman Elliot Anderson sponsored UAS privacy bill AB 239, which passed unanimously in both the Assembly and Senate; it was signed into law

earlier this year by the governor. The law created new regulations on UAS flights by law enforcement and the public and set limits on the elevation at which drones can fly without trespassing. The new legislation also mandates that police obtain a warrant under certain circumstances before using drones to conduct surveillance. The bill had support from both law enforcement and economic development agencies, which said it “would balance privacy concerns without impeding the emerging drone industry.”

The law, like technology, is constantly evolving. Drones have the capacity to transform the way we do business along with our conceptions of privacy and property. As a leader in this area, the law school is simply doing what universities do best: convening experts across disciplines in a rich and thoughtful dialogue that will deepen our understanding of this new technology and its place in our society. Keeping pace with change, consistent with our values, is what makes the study of law such a meaningful and dynamic endeavor. **NL**

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