





BY MATTHEW HENSHON  
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# DRONES ON THE HORIZON!



GETTING  
READY FOR  
UNMANNED  
AERIAL  
VEHICLES  
(UAVs)



It is now likely that some of you will be advising clients within 12 months on how to safely and legally comply with new regulations governing unmanned aerial vehicles (UAVs, or more colloquially, “drones”).

The UAV story begins back in the early part of the 20th century, but it has really accelerated in the past few years. In the last few months, UAVs have burst into the national consciousness. From General Atomics’ Predators circling high above the tribal areas in Pakistan, to last summer’s private operator flying his quadcopter through exploding July 4th fireworks,<sup>1</sup> new flying systems were seen everywhere. And from Amazon’s proposed package delivery systems to a private operator crash-landing his DJI Phantom on the White House grounds, drones were also over the front-pages and home pages of America’s news outlets.

Thanks to a 2012 bill, the Federal Aviation Administration (FAA) is in the process of accelerating the speed of introducing drones into the national airspace. As of press time, more than 489 one-off permits have already been granted. Also, in February the FAA unveiled proposed regulations for light (less than 55 pound) UAVs.

This issue of *The SciTech Lawyer* is designed to familiarize you quickly with drone issues, and to give

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you a sense of where the industry—and the legal landscape—is headed. We have compiled a diverse and qualified collection of authors to help you understand—from all 360 degrees—where drones are going:

- Privacy issues are often raised in connection with UAVs, and Professor Hillary Farber’s “Eyes in the Sky and Privacy Concerns on the Ground” will provide a good primer, as well as touch on what states are doing to protect privacy.
- UAVs are not the only flying objects that can raise privacy issues, however. “Drones to Satellites: Should Commercial Aerial Data Collection Regulations Differ by Altitude?” by Janna Lewis and Lauren Caplan explores the differences—and the similarities—in regulating UAVs and satellites.
- In February, the Federal Aviation Administration published draft regulations for certain (less than 55 pound) UAVs. Lois Mermelstein’s “FAA’s New Draft Drone Rules” walks you through the proposed rules.
- Related to the draft regulations, the question of defining a UAV is surprisingly complex. Donna Dulo lays out the various classifications of UAVs (and unmanned aircraft systems (UASs) in her “Unmanned Aircraft Classifications: The Foundation for UAS Regulations in the National Airspace.”
- Bringing all of these articles back to a real world scenario is the subject of Richard Balough’s article, “So, You Want to Legally Fly a Drone?” How to Counsel a Client.”
- And to provide a sense of the history of UAV technology, Casey Civiello reviews the new book, *Predator: The Secret Origins of the Drone Revolution* (Henry Holt and Company, 2014).
- Surely, 2015 is the “Year of the Drone.” In addition to this issue,

the Artificial Intelligence and Robotics Committee (ST-AIRC) and the SciTech Section will be providing many more opportunities for continued education over the next few months:

- Many of the authors featured in this issue of *The SciTech Lawyer* will be featured at the ABA Annual Meeting in a Showcase Program entitled “Drones Incoming! Are You Ready for Unmanned Aerial Vehicles (UAVs)?” The program will take place on **Saturday, August 1, 2015, from 8:00–9:30 a.m.**
- Some of the same issues will be previewed in a CLE teleconference to be held June 22 from 1:00 p.m. to 2:30 p.m. EST. Visit the SciTech website<sup>2</sup> to register.
- And finally, two<sup>3</sup> of the articles in this issue are in fact excerpted chapters from the forthcoming book from the ABA: *Unmanned Aircraft in the National Airspace: Critical Issues, Technology, and the Law.*<sup>4</sup>

All in all, it’s an exciting time to be a lawyer working with technology. We hope that you enjoy this special issue of *The SciTech Lawyer*, and hope you will continue to stay involved in this fast-moving area. ♦

### Endnotes

1. Set to music at <https://youtu.be/zlXGU20F-ME>.
2. [http://www.americanbar.org/groups/science\\_technology.html](http://www.americanbar.org/groups/science_technology.html).
3. Those written by Hillary Farber and Donna Dulo.
4. Available by visiting <http://shop.americanbar.org/ebus/store.aspx>.

