



Sheila Burks, Chris Chan and Ellen Ray presenting the licensing panel.

## 22<sup>ND</sup> ANNUAL TECHNOLOGY LAW INSTITUTE

*By Benjamin L. Young*

The 22nd Annual Technology Law Institute (TLI), co-sponsored by the Technology Law Section and ICLE, was held on October 30, 2007, at the Georgia State Bar Conference Center. The day began with brief introductory remarks by John Hutchins, the Section Chair. The TLI program featured seventeen nationally

and internationally known speakers on topics such as technology outsourcing, intellectual property rights in China, and litigating Internet issues in an age of anonymity.

This year's program also featured two panel discussions that encouraged audience participation and discussion. The morning panel discussion was led by Professor Joshua MacInnes, of Syracuse University School of Information Studies, and Professor Joshua A.T. Fairfield, of Indiana University School of Law, and focused on the legal and revenue ramifications of the development of virtual property in online communities. The afternoon panel discussion was led by Ellen G. Ray, of King & Spalding LLP, Christopher J. Chan, of Sutherland, Asbill & Brennan LLP and Sheila A. Burks, of IBM Internet Security Systems, and focused on advanced licensing issues, including discussion and analysis from both the licensee and licensor perspectives.

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 **Computers for Youth**  
We Bring Learning Home



Looking for a Community Service Opportunity?

Get Involved with Computers for Youth - See Pg. 5 & 11 for Details.

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**EDITOR'S NOTES** *By Robert T. Neufeld*

This issue of the Georgia Journal of Technology Law is packed with news relating to the events and activities of the Technology Law Section. As our cover story from Ben Young describes, the Section hosted its most successful Technology Law Institute ("TLI") on October 30, 2007 with record attendance from lawyers both within and from outside the Section. One benefit of a successful TLI is that the Section was able to make a generous donation to the non-profit organization TechCorps Georgia, which has recently merged with a national organization called Computers for Youth. To learn more about the work of Computers for Youth and the ways in which you or your firm can get involved, please see the information on pages 5 and 11 of this issue.

This issue also contains three articles from regular contributors to the Journal. First, we have a timely column from Dennis Gerschick about advising troubled companies and how receiving early advice can often avert larger problems for the company in the future. Second, we have Larry Kunin's update on significant case law addressing electronic discovery issues. Electronic discovery matters continue to be an issue litigators and their clients tackle on a daily basis as evidenced by the number of court decisions ruling on these disputes. Finally, we have an article from our former chairperson, Janine Bowen. In this issue, Janine discusses a recent district court decision from the Northern District of Georgia concerning employees taking confidential information from their employers and the application of the Computer Fraud and Abuse Act.

The articles in this issue are all excellent examples of the varied pieces our members publish on a regular basis. Furthermore, we regularly recommend articles published in the Section newsletter for republication in the Georgia Bar Journal. For example, the October issue of the Georgia Bar Journal published an article by Tom Traylor about a software copyright case that was originally printed in the Section's newsletter. Publishing an article with the Section is a great way to showcase your practice for your colleagues.

I hope you enjoy this issue and consider submitting an article for publication.

*Bob Neufeld is a registered patent attorney and practices intellectual property law with King & Spalding LLP. His work includes litigating intellectual property and technology disputes and securing patent rights in the U.S. and abroad on behalf of his clients. Mr. Neufeld received his B.A. and B.S. from the State University of New York at Binghamton and earned his J.D. from Fordham University School of Law. He can be reached at bneufeld@kslaw.com.*



Congratulations to **Tom Traylor** on the publication of his article entitled "**Disk Imaging - Fair Use?**" in the October 2007 issue of the Georgia Bar Journal. Tom's article was originally published the Winter 2006 issue of the Section's Journal. If you are interested in publishing an article in the Section's Journal, please contact Bob Neufeld at [bneufeld@kslaw.com](mailto:bneufeld@kslaw.com).



## FROM THE CHAIR *By John P. Hutchins*

### The Technology Law Section Gets Better And Better!

In the last issue of the Journal, I stated my theme for this year: “It’s Your Section.” And I asked the question – **Why aren’t you more involved?** Perhaps, if you read that column, you answered me under your breath: **Why should I be?** It’s a legitimate question. Here goes my attempt to answer it.

First, I would argue that the absolute best reason to be involved in the Section is the people. Over the course of my involvement in the Section, it has been my privilege to work closely with some of the most well-respected lawyers in Georgia. At the risk of leaving someone out, people like past Section Chairs Jim Meadows, Kent Webb, Ann Moceyunas, Suellen Bergman, Mike Stewart and Janine Bowen. (*By the way, Congratulations to Janine, who just made partner!*). People like current Vice Chair, Gaines Carter, and Section Secretary, Chuck Ross. And the people who tirelessly put this Journal together every quarter – Bob Neufeld, in his third year as Editor, and Jennifer Sizemore, our very able Graphic Designer. And all the current and former members of the Executive Committee, who are too numerous to list. I am sure I am unintentionally omitting someone. But, as my grandfather used to say, these people “come from good stock.” It’s my pleasure to know and have worked with them all.

Another good reason to be more involved is this: We do some cool stuff, and we keep getting better at it. Back in October, we put on one of the most successful CLE programs in the Section’s history – the 22nd Annual Technology Law Institute. The national faculty for this program was superb, and we all had our horizons expanded by a fascinating (and entertaining) keynote address about virtual worlds by Julian Dibbell, Contributing Editor to Wired Magazine. (Go to our website and listen to his Podcast!) In all, this program attracted 148 paid attendees, at a price that just can’t be matched. We followed it up with a great 1-hour program on privacy in December, hosted by David Keeting at Alston & Bird, and put together by Marisha Steward and Melloney Douce.

If you still are not convinced, I’ll share one more good reason for you to be involved in the Section: We do some good. As an example, the success of the Technology Law Institute enabled the Section to donate almost \$1500 to TechCorps Georgia in 2007, as we have for the past several years. TechCorps Georgia recently merged with a similarly-missioned non-profit known as Computers for Youth. The combined organization seeks to improve children’s learning environment at home, by providing refurbished computers to enhance educational resources available in children’s homes, improving parent-child interaction around learning at home, and helping teachers connect classroom learning with the home. That’s a really great mission! At our January Executive Committee Meeting, Ann Moceyunas introduced us to Jeanne Artime, Program Manager for CFY-Atlanta, who shared with us the good work that CFY does, and the importance of our contribution to it.

Everyone in attendance had the assurance that our money is going to a great cause.

So, again, I encourage you . . . get involved. Volunteer for the Executive Committee. Attend our next Section meeting, join the Litigation Committee, or write an article for the Journal. It’s Your Section, and you’ll be glad you did.

Sincerely,

*John P. Hutchins*



*John Hutchins is a partner at Troutman Sanders LLP and practices in the area of intellectual property, technology and business litigation, including computer hardware and software development disputes, e-commerce and privacy issues, government procurement disputes, protection of trade secrets and confidential business information, Internet domain name disputes, technology licensing disputes, trademark and copyright infringement and restrictive covenants. He may be reached at 404.885.3460 or via e-mail at [john.hutchins@troutmansanders.com](mailto:john.hutchins@troutmansanders.com).*



## ADVISING A TROUBLED COMPANY<sup>©</sup>

*By Dennis J. Gerschick, Attorney, CPA, CFA*

Many companies, large and small, are in trouble or are heading for it fast. One only has to read the headlines to learn of multi-billion dollar write-offs and new bankruptcy filings. Economists may debate whether we are currently in a recession or not, but virtually all agree – economic conditions in early 2008 are a big concern.

Over the years, I've spoken with many bankruptcy lawyers and turnaround experts. Their number one complaint is that their clients

waited too long to contact them. They would have been able to help even more if they had been contacted sooner. Why do clients wait? For a number of reasons. Men, in particular, are known for not going immediately to their doctor. Many assume or hope the problem will go away. Others think they can diagnose the problem and fix it themselves. Business owners and executives are the same. To seek help or advice is to admit there is a problem. Many think this will reflect poorly on them. Egos get in the way – they don't need help, they're smart and know what they are doing, etc.

Most people understand that the first step in solving a problem is to acknowledge there is a problem. Unfortunately, to get people to acknowledge problems is a major obstacle. I speak throughout the country to CPAs. Many CPAs do not advise their business clients that their business is getting into trouble or that the trends do not look good. Why? Because many CPAs are afraid their clients will shoot the messenger – fire them. If the business owner or executive won't acknowledge the problems and the company's CPA won't discuss the problems, who will? This is a major problem, especially for closely-held companies who are not monitored by sophisticated directors, shareholders, analysts, or bond rating companies.

Lawyers could play a constructive role. However, many don't for three reasons. One, many lawyers do not have a strong business background and do not think of themselves as business advisors. Instead, they only focus on the legal issues they have been asked to address. Two, like CPAs, they are afraid of offending their client and losing business. Three, many lawyers do not receive their client's financial statements and cannot see the trends in the numbers. What is the answer? I tell clients I am there to help them succeed. Not just because I'm a nice guy, but because successful clients can pay my invoice! Also, successful clients tend to need more services! They get involved in more deals and one thing leads to another. I'm a big believer in the idea that asking the right question is 90% of the solution. In law school, lawyers are trained to "spot the issue."

The same should be true for business. Unfortunately, many business people do not spot the issue because they don't even stop to think about it. I've had many people tell me they don't have time to think about their business because they are too busy putting out fires. I respond that they would not have so many fires to put out if they would execute a well thought-out plan. "Plan your work and work your plan." Sounds simple doesn't it? Unfortunately, many businesses do not have a plan; they are simply reacting to the day's events. The advantages of having a business plan will be explored in another article.

How can you help your business clients? Encourage them to get a "check-up." People go to doctors for medical check-ups, even when they are feeling well. Similarly business owners or executives should get a "business check-up." Preventative medicine strives to prevent larger problems from occurring in the future. Preventative maintenance on a car has the same goal. Let a competent individual get under the hood, poke around, and ask questions. The same concept applies to businesses. They may see things the owner or executive will never see or can better diagnose the problem based upon the symptoms that are present. A fresh perspective is often invaluable. An outsider can challenge conventional thinking, bring their own experience and knowledge learned from working with other companies, and apply it for the benefit of your client's business. A "business check-up" is often not that expensive and the benefits often far exceed the cost.

Time really is of the essence here because perception is reality. When customers and/or suppliers get the feeling that a company is in trouble they often do not want to do business with that company. Suppliers may be concerned that they will not get paid, so they supply only on a COD basis. In short, perception may create a self-fulfilling prophecy. Problems need to be nipped in the bud, when the company's options are the greatest. As a problem grows, the options for dealing with it often tend to narrow. Executives wait and watch and then they claim they have to file a bankruptcy petition to stop creditors in their tracks. It has been reported that only 12% of companies that file a Chapter 11 petition actually emerge and go on to success. In short, if a company files a bankruptcy petition, the end is in sight the majority of the time. The goal is to never get there.

## Summary of Key Points

1. Many owners and executives do not like to acknowledge that their business is in trouble.
2. CPAs and lawyers often do not alert their clients to current or coming trouble.
3. Having an independent third party do a "business check-up" can provide many benefits.
4. It is critical to spot and fix the problems as quickly as possible, before they grow into major problems.



© 2008 Dennis J. Gerschick All Rights Reserved. Dennis Gerschick is the President of Gerschick Business & Investment Counsel, LLC and can be reached at [dennis@gerschick.com](mailto:dennis@gerschick.com) Dennis would appreciate your suggestions for future articles.

*Note: On March 14, 2008, ICLE is presenting "Workouts, Turnarounds & Restructurings." Dennis Gerschick will be the chair and moderator of a panel discussion. The panel will include turnaround experts and a buyer of troubled companies.*



**Help CFY make a difference.**

When your Technology Department evaluates your organization's **Technology Replacement Cycle**, please consider donating your used equipment to **Computers for Youth**.



**Computers for Youth-Atlanta partners with public schools in low-income communities throughout Atlanta, providing students with a refurbished, computer-based home learning center loaded with educational software, in order to improve the educational resources available to them at home. Your used equipment is essential to the success and reach of our programs.**

Contact Richard Hicks, Technology Manager, CFY-Atlanta | 770.987.8212 | 678.643.9621 cell | 770.987.8213 Fax | [RHicks@cfy.org](mailto:RHicks@cfy.org)  
Computers for Youth is a 501(c)(3) non-profit organization, and all donations are tax-deductible to the extent allowed by law. Upon receipt of your contribution, we will send you an acknowledgement letter for tax purposes.

## E-DISCOVERY CASE UPDATE

Larry H. Kunin

Chair, Technology Section Litigation Committee

### Join the Technology Section Litigation Committee:

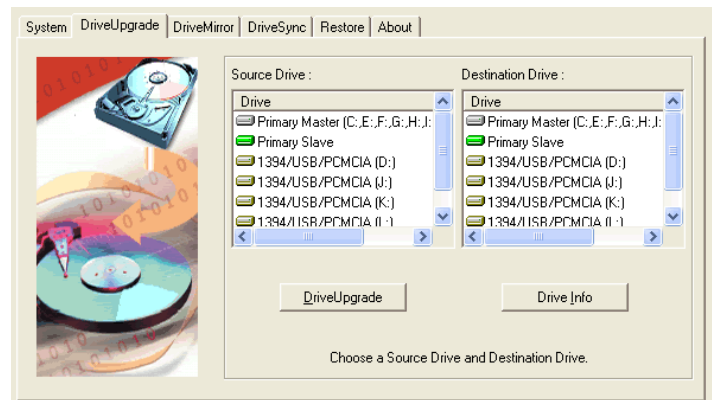
The Litigation Committee is looking for new members. The committee serves a forum to debate technology-related litigation issues and a resource for technology litigation issues for its members. The committee meets quarterly for breakfast or lunch, and sponsors one of the Technology Section's quarterly CLE luncheons, and provides this quarterly e-discovery update. For information please contact Larry Kunin, Morris, Manning & Martin, LLP at 404-504-7798.

### Qualcomm UPDATE - Heavy Sanctions Issued.

*Qualcomm Inc. v. Broadcom Corp.*, No. 05-CV-1958-B (BLM) (S.D. Cal. Jan. 7, 2008): The *Qualcomm* case was referenced in our last quarterly update as having the potential to be more significant than *Zubulake* insofar as attorney responsibility and conduct with regard to electronically stored information ("ESI") is concerned. The court has now ordered Qualcomm to pay \$8,568,633.24 for "monumental and intentional discovery violations." Such amount represented all of Broadcom's attorneys' fees and costs. The court also found that Qualcomm's attorneys "assisted Qualcomm in committing this incredible discovery violation by intentionally hiding or recklessly ignoring relevant documents, ignoring or rejecting numerous warning signs that Qualcomm's document search was inadequate, and blindly accepting Qualcomm's unsupported assurances that its document search was adequate." Although the court did not issue monetary sanctions against the attorneys, the court found potential ethical violations and ordered the attorneys to forward the order to the California State Bar.

### Defendants Permitted to Review and Object to Search Terms Executed on Hard Drive Images.

*Verigy US, Inc. v. Mayder*, 2007 WL 3144577 (N.D. Cal. Oct. 24, 2007): In this misappropriation of trade secrets case, plaintiff moved to compel production of hard drive mirror images, which was resolved through searches to be performed by a third party expert. The parties, however, disagreed as to the review protocol; specifically, defendant's request that it be permitted to review and object to searches that would be performed by a third party expert. The concern was to the potential that



plaintiffs would request burdensome or abusive searches. The court sided with defendant's protocol, which permitted plaintiff to request searches, but gave defendants the opportunity to object to the execution of such searches.

### Opposing Expert Permitted to Create Mirror Images of Hard Drives.

*In re Honza*, 2007 WL 4591917 (Tex. App. Dec. 28, 2007): In this real estate litigation, the plaintiff obtained an order permitting its forensic expert to image the defendant's hard drives for purposes of searching for two specific draft contracts. The court ordered such imaging over defendant's objections that this search represented a fishing expedition, and risked disclosure of privileged, confidential and irrelevant information. The appellate court upheld the order, finding that it was targeted to two specific documents, and was designed to avoid the disclosure of privileged and confidential information. The court cited a common protocol for this purpose, which involves: (1) creation of the image by a forensic expert; (2) review by the expert for potentially relevant information under a protective order; (3) review by the opposing party prior to production for objections and creation of privilege log; and (4) in camera review to resolve issues with privilege log.

### Court Rejects Request to Re-Produce Entire Production in Native Format.

*Schmidt v. Levi Strauss & Co.*, 2007 WL 2688467 (N.D. Cal. Sept. 10, 2007): In this lawsuit alleging retaliatory termination under the Sarbanes-Oxley Act, plaintiffs sought the reproduction of documents in native electronic format. Plaintiffs generally alleged that documents had been altered, but the court observed that plaintiffs had originally suggested that certain (unidentified) documents had been edited or altered by defendants or by their attorneys. However, the court found no basis for such allegation. Importantly, citing December 2006 amendments to the Federal Rules, the

court noted that plaintiffs did not state the form of production. The court also noted that the expense of such production outweighs the potential benefit. Therefore, the court denied the request without prejudice, leaving open the possibility of native production on a per document basis as need is shown.

**Party Must Pay for Re-Production Due to its Vendor's Error.** *PSEG Power New York, Inc. v. Alberici Constructors, Inc.*, 2007 WL 2687670 (N.D.N.Y. Sept. 7, 2007). Due to a vendor error, numerous attachments were separated from their respective emails. After attempts to do so, the parties were unable to devise a reasonable solution to fix the error. Citing the requirement under Rule 34 that business records are to be produced as kept in the regular course of business, and after thorough examination of relevance and the cost-shifting factors in the advisory committee notes to new Rule 34, the court ordered reproduction at the producing party's expense. In essence, the court concluded that the recipient should not be prejudiced by an error it did not cause.



**Application of New Rules:** *ESI vs. Paper; Back-up Tapes; Litigation Hold.* *Palgut v. City of Colo. Springs*, 2007 WL 4277564 (D. Colo. Dec. 3, 2007): In this employment discrimination litigation, the court made several points in application of the December 2006 Amendments to the Federal Rules. First, the court stated that the 2006 Amendments merely clarify that ESI is treated equally to paper documents as far as right to access the documents, i.e., as with paper documents, the requesting party does not have the right to conduct the search for producible material. Second, the court denied ordering the restoration of inaccessible back-up tapes where the cost outweighs the possible yield of relevant information. Finally, the court noted that the obligation to preserve evidence arose upon receipt of a preservation letter served four months prior to the service of the complaint.

**Native Format/Metadata Produced Where Integrity of Document Dates at Issue.** *Ryan v. Gifford*, 2007 WL 4259557 (Del. Ch. Nov. 30, 2007): One of the issues in this lawsuit was the alleged backdating of documents related to stock options. The court thus found that

metadata may be of specific relevance, which also outweighs claims of undue burden and expense. Accordingly, the court ordered the production of native document such that metadata could be reviewed.

**Former Employer May Inspect Plaintiff's Home Computer.** *Orrell v. Motorcarparts of Am., Inc.*, 2007 WL 4287750 (W.D.N.C. Dec. 5, 2007): In this sexual harassment lawsuit, plaintiff alleged that she received numerous offensive emails on her company-issued laptop, which she then forwarded to her home computer and/or her husband for preservation. However, after being terminated, she wiped the company laptop with the use of

Evidence Eliminator. As is common in such "wiping" situations, the plaintiff claimed that the drive was wiped to prevent disclosure of personal information. After producing only a few emails that lacked identification of origin or recipient, plaintiff testified that she was unable to produce more because her home computer crashed. Plaintiff's husband provided partially contradictory testimony,

stating that he initially considered completely destroying the laptop hard drive, that he could not confirm the number of back-up disks, and that some information had been recovered from the home computer. In response to the defendant's motion to compel, plaintiff then produced 10,000 additional pages that still lacked identification of original and recipient, and an additional back-up disk that did not contain the emails she alleged. After noting that a computer "crash" does not eliminate the duty to preserve evidence, the court cited Rule 34 as support for allowing the defendant to "inspect and copy, test, or sample" plaintiff's home computer. Such inspection, however, was at defendant's expense.



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# PROTECT YOUR COMPANY AGAINST EMPLOYEES TAKING CONFIDENTIAL INFORMATION *By Janine Anthony Bowen, Esq.*



Do your employee non-disclosure agreements (“NDAs”) sufficiently protect against employee copying of company confidential information at the time of termination of their employment? Does the law prevent this type of activity? You think so? You would be wise to think again.

In October 2007 the U.S. District Court for the Northern District of Georgia held that an employee who accessed, downloaded, and copied electronic data belonging to his employer after he gave notice of termination, and subsequently transferred the data to a competitor for whom he went to work, did not violate the Computer Fraud and Abuse Act (“CFAA”) (*Diamond Power International Inc. v. Davidson*, N.D. Ga. No. 4-1708. 10/1/07).

The court analyzed the meaning of the terms “without authorization,” “without authorized access,” or in a manner that “exceeds authorized access” that are used in CFAA. In this case, the court concluded that the employee’s copying of employer data was neither ‘without authorization’ nor ‘without authorized access’. How can this be? Well, the court rationalized that since the employee had been given authority to access the data as part of his job responsibilities, his accessing the data at the time of termination was still authorized, and thus, not a violation of CFAA.

This is a bizarre result, but interestingly, the courts are split on the interpretation of “without authorization.” Some courts, as the Georgia court ruled, say that authorization is lacking only if the employee accesses information that they never had the authority to access. Other courts have concluded that authorization terminates generally from the moment the employee acquires an interest adverse to the interest of the employer (e.g. the moment of accepting an employment offer from a new employer).

How can employers obtain maximum protection from CFAA in light of such vastly different readings of the same law? One way is by drafting or revising their NDAs to clarify when authorization to access certain confidential information has ended. NDAs that specifically state that an employee’s access to information is unauthorized once the employee acquires an interest adverse to the employer will be more likely to overcome the fine distinctions raised by the federal court in the *Diamond Power* case. A well-drafted NDA will also serve other related beneficial purposes, such as being independently enforceable in a contract action and serving as evidence of a reasonable step to preserve secrecy in a trade secrets action.



*Janine Anthony Bowen is a Partner with the firm of McKenna Long & Aldridge LLP where she advised clients on commercial contracting, technology, privacy, Internet and Intellectual Property related issues. Ms. Bowen is a former chair of the Technology Law Section. She earned her J.D. from Georgia State University in 1998 and earned both a B.S. and M.S. in Industrial Engineering from Clemson University. She can be reached at jbowen@mckennalong.com or (404)527-4671.*

## Interested in Joining the Technology Law Section?

Send your name, Bar number and address, along with a \$25 check made payable to the State Bar of Georgia to:

**State Bar of Georgia  
Technology Law Section  
104 Marietta Street, NW  
Atlanta, Georgia 30303**

**GEORGIA JOURNAL OF TECHNOLOGY LAW**

Technology Law Section  
State Bar of Georgia

**Technology Law Section Networking Event**  
A Reception - 10/10/07

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**Quarterly Technology Luncheon**  
A Reception - 10/10/07

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**Participate in the Technology Law Section!**

**Technology Law Section's Spring CLE Luncheon**  
A Reception - 10/10/07

Visit the Technology Law Section website at [www.technologybar.org](http://www.technologybar.org)

## TECHNOLOGY LAW SECTION POSTS FIRST SECTION PODCAST

In an effort to reach more of our Section Members, the Technology Law Section has recorded the first in an on-going series of Podcasts which are available for download from the Section Website ([www.technologybar.org/events](http://www.technologybar.org/events)). Podcasts are recordings which can be downloaded to most computers, portable music players, and of course, I-Pods.



PodCast

The First Podcast is Julian Dibbell’s Luncheon Keynote Address at the 22nd Annual Technology Law Institute. Julian is a contributing Editor for Wired Magazine, and his Keynote Address regarding “Virtual Worlds,” such as “Second Life” was both entertaining and informative.

**Future Podcasts will be available both as a download and through an RSS feed. If you have an idea for a Podcast or already have one recorded, please feel free to contact Section Secretary, Chuck Ross: [chuck.ross@gwinnettcountry.com](mailto:chuck.ross@gwinnettcountry.com) with your idea and/or submission.**

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### *22<sup>nd</sup> annual Technology Law institute*

In addition to the many presentations and panel discussions, the TLI attendees were invited to a luncheon and a cocktail reception catered by Carole Parks Catering. Both events provided Section members, presenters and other attendees an opportunity to mingle and discuss various technology and other legal issues in a more informal setting.

The 22nd TLI once again proved to be a great success, with over 140 attorneys and members of the Georgia technology and business community in attendance. The Section would like to extend its gratitude to the speakers for their informative and well-received presentations, to John Hutchins, the program chair, for organizing the event, and to the many Section members and volunteers who made the event possible.



Julian Dibbell presenting the keynote address on virtual worlds.



Panelists Glen Shipley, Kent Webb, and John Yates speaking about corporate governance issues for technology companies.



## Calendar of Events

**Next Executive Committee Meeting**  
Troutman Sanders LLP

**February 8, 2008**  
7:30 am

**Executive Committee Meeting**  
Troutman Sanders LLP

**April 18, 2008**  
7:30 am

**Annual Lunch Meeting**  
Look for details in the Spring newsletter

**May 2008**



## TECHNOLOGY LAW SECTION VOLUNTEER OPPORTUNITIES

The Committee on Volunteer Activities of the Technology Law Section seeks to provide members a collection of both community service projects and pro bono legal service opportunities.

### Technology Opportunities

**Protection of Website:** Georgia Legal Services Program (“GLSP”) and the Atlanta Legal Aid Society (“ALAS”) provide free online legal resources and information via the website, [www.LegalAid-GA.org](http://www.LegalAid-GA.org). Unfortunately, some entities have sought to misappropriate these resources and sell the information for profit. GLSP and the ALAS need assistance protecting these important resources. To assist with this matter, contact ALAS/GLSP Technology Consultant Tracey M. Roberts ([troberts@glsp.org](mailto:troberts@glsp.org))

**Technology Agreements:** GLSP is also developing a plan for the wide-area networking of its twelve (12) field offices across the state, including the negotiation for (and implementation of) Internet-based case management software and its Voice over Internet Protocol (“VoIP”) services. GLSP is seeking advice and counsel on future technology plans and contracts. Also, GLSP seeks intellectual property counsel to serve as advisors to GLSP management. For more information on this opportunity, contact Mike Monahan ([mike@gabar.org](mailto:mike@gabar.org))

**Technology Best Practices:** Volunteer lawyers are needed for a legal seminar for community-based groups scheduled for early December in Atlanta. The seminar, intended for a basic-to-intermediate skills audience, will address legal issues for nonprofit managers related to Internet usage, website development and content, and e-mail and communications policies. Interested? Contact Mike Monahan ([mike@gabar.org](mailto:mike@gabar.org))

**Technology Agreements:** From time to time, area non-profits need attorneys to review equipment leases, register domain names, and assist with the registration of trademarks and related issues. The Pro Bono Partnership of Atlanta, Inc. (“PBP-Atl”) ([www.pbpatl.org](http://www.pbpatl.org)) was formed with a mission to make it as easy and enjoyable as possible for transactional lawyers at corporations and law firms to provide valuable pro bono services for nonprofit agencies servicing the public interest in Metropolitan Atlanta. PBP-Atl services community-based nonprofits whose primary purpose is to operate ongoing programs or activities that benefit low-income communities or that otherwise serve the public interest.

PBP-Atl is seeking assistance with an audit of the nonprofit’s website, including its Terms of Service, privacy policy, copyright and trademark use and links to other websites. For more information on these and other opportunities, please contact Executive Director Rachel Spears. ([rachel.spears@pbpatl.org](mailto:rachel.spears@pbpatl.org)).

**Teaching/Training/Advice:** TECH CORPS Georgia, Inc.’s (“TECH CORP”) ([www.techcorpsga.org](http://www.techcorpsga.org)) mission is to promote “Digital Inclusion” for the residents, teachers, students and entrepreneurs of Georgia’s low-income and otherwise under-served communities, and to advocate for the use of technology in promoting self-sufficiency and economic resiliency.



## Looking for a rewarding technology-related Community Service opportunity?

Come join **Computers for Youth-Atlanta** as a classroom volunteer during our Saturday Family Learning Workshops. Join CFY while we work with students and their families to teach them how to use their computer-based home learning center for strengthening core academic skills. Volunteers are needed to assist families in the classrooms during teacher-led instruction. Half-day Workshops are held at participating Atlanta public middle schools.

### Atlanta Workshop Dates:

January 12, 26 | February 9, 23 | March 1, 15, 29 | May 3, 10, 17

Contact: **Jeanne Artime, Program Manager, CFY-Atlanta** | 770.987.8212  
678.643.9621 cell | 770.987.8213 fax | JArtime@cfy.org



## HIGHLIGHTS FROM THE EXECUTIVE COMMITTEE

By *Chuck Ross*

*The Executive Committee has met two times since publication of the Fall issue of the Georgia Journal of Technology Law - on November 9, 2007 and January 11, 2008. Highlights of the September and November Executive Committee meetings follow. The minutes of the January meeting will be reviewed and revised (if necessary) at the next Executive Committee meeting and published in the Spring issue of the Journal.*

### SEPTEMBER 14, 2007

*Meeting was called to order by John Hutchins at 7:43*

- **Attendees** – Members present: John Hutchins, Gaines Carter, Chuck Ross, Larry Kunin, Bob Neufeld, Ben Young, Mari Myer, David Keating, Melanie Douce, Suzannah Lipscomb.
- **Old Business**
  - **TLI 2007 – John Hutchins** – Flyer was passed around. Everything is set. Need to make final meal choices. Prices have been set @ \$180 pre-registered/\$200 on-site. All speakers are on board. Need to scale back number of servers for lunch/reception.
  - **Fall Quarterly Meeting – Larry Kunin/John Hutchins** – Flyer was passed around. Chuck will make sure e-mail blast goes out next week. Everything ready. Larry and Aaron Danzig from the U.S. Attorney's Office are speakers. Originally budget only allowed for a sandwich lunch, as Buckhead Club included an A/V charge for the meeting. Morris Manning has agreed to pay for the A/V charge. With that, Larry asked if he could go to a hot lunch which he believed would fit the budget. It was agreed that if the cost did go over budget, the Section would pick up the difference.
  - **Litigation Committee** – Due for a meeting. Still looking for more members. Will ask Johanna to send out a blast message. Larry is to send something to John who will pass it to Johanna.
  - **Pod-Cast – Chuck Ross** - TLI will be recorded for Pod-Cast. Lael Bellamy from Home Depot still promising to do a recording for us.

- **Journal Update – Bob Neufeld** – Close to publishing. Should be out after Fall Quarterly meeting. Seeking successor for editor position.
- **Website Development Update - Stephen Combs** - No report
- **In-House Committee –Melanie Douce**
- **Fall/Winter Meeting Planning – Melanie Douce** - Topic will be Privacy Breach and Damages Recoverable and How to Prevent Them. Event will be at Alston & Bird, December 7, 2007. Potential speakers are David Keating; Lynn Goodendorf: CPO-Intercontinental Hotel Group; Jos Vanthoof: IT Security Officer-Equifax, and Peggy Eisenhower. Trying to get Carol DiBaptiste. David indicated there would not be an A/V charge at A&B. Price point should be \$25 includes CLE/meal/parking. David will try to get parking validated. Mari discussed not including CLE in the price. John suggested that they try to work an Ethics credit for the presentation.



## ■ **New Business**

- **Upcoming Meeting Planning**
  - **Spring Meeting/Social** - Still need volunteer to plan. John will send an e-mail to try and encourage someone to plan the meetings.
  - **New initiatives for Section**
    - Current balance in excess of \$16K. TLI will consume most of that, but there will be some money left. We need to make good use of these funds.



There was a suggestion that we do a joint event with another section like Suellen did with LES last year. Possibly for the Spring Meeting.

John indicated he was still in favor of doing some type of meeting to bring in a facilitator to brainstorm with us to bring in new people and get a good ROI. However, we need to wait and see where we are financially after TLI until we make that decision.

Issue of doing surveys was raised again. Problem has been that typically responses are very low.

This will be discussed further at November meeting,

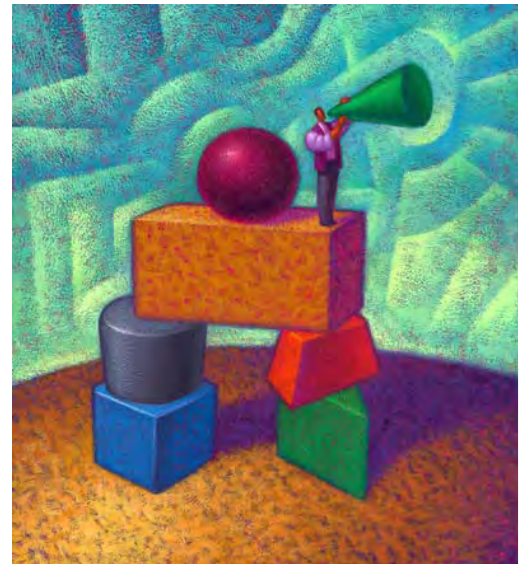
- **Request for funds for “Legal Needs” survey** - Chuck moved that the Section contribute \$100. David seconded. All were in favor.
- **Next Meeting Date/Location** – November 9th at Troutman Sanders.



Meeting adjourned at 8:32 a.m.

## NOVEMBER 9, 2007

- *Meeting was called to order by John Hutchins at 7:40*
  - **Attendees** – John Hutchins, Gaines Carter, Larry Kunin, Marisha Steward by phone, Sarah Shalf, Mari Meyer.
  - **Old Business**
    - TLI 2007 recap – **John Hutchins** - 140 paying attendees. 17 speakers. Diversity of faculty improved. Good reviews overall on speakers. Lunch speaker had excellent review. Donated \$1480 to Tech Corp Georgia.
    - **Winter Quarterly Meeting** – **Marisha gave update.** Peggy Eisenhower (lawyer in private practice) Equifax's Chief Security Officer have confirmed as speakers. Dec 8, 2007 is the meeting date, at Alston & Bird. Menu to be determined.
    - **Litigation Committee** –**Larry Kunin** -
      - Fall Quarterly Meeting – 24 attended. Computer Fraud & Abuse, etc. Statutory remedies. Held at Buckhead Club at MMM. Larry will do a write-up for the next Journal.
      - Next Litigation Committee meeting date to be determined. Sarah, Kevin Hudson and Jonathan Hawkins will join the Litigation Committee.
    - **Pod-Cast** – **John Hutchins** - Julian Dibbell's keynote presentation at the TLI was recorded for Pod-Cast and will be posted to the Section Website in the near future.
    - **Website Development Update** - **Stephen Combs** - No report
    - **In-House Committee** - Recruiting committee members
  - **New Business**
    - **Upcoming Meetings**
      - **Spring Meeting/Social** - Still need volunteer to plan. Suggestions: have at a non-bar location or with another section.
    - **John Hutchins to plan Summer Meeting** - John emphasized the need to increase membership in the Section. Advertising was discussed briefly.
    - **Next Meeting Date/Location** – December 14th at Troutman Sanders.



Meeting adjourned at 8:20 a.m.



**W. Charles "Chuck" Ross** is a Senior Assistant District Attorney in the Gwinnett Judicial Circuit. Although he handles all manners of felony criminal cases, his specialty is technology related crime. Mr. Ross was recently featured on Dateline NBC for his role in the prosecution of Dr. Barton Corbin, a Georgia dentist convicted of committing two murders fourteen years apart. Mr. Ross received his JD from Ohio Northern University, where he served as the Lead Articles Editor of the Law Review. He received his Bachelor of Science from the University of Kentucky and also holds a Master's Degree in Political Science from Eastern Kentucky University.