

GEORGIA JOURNAL OF TECHNOLOGY LAW

Technology Law Section
State Bar of Georgia

Summer 2006
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Technology Law Section Networking Event

By Benjamin L. Young

On May 16th, the Technology Law Section of the Georgia Bar hosted its bi-annual happy hour at the Gordon Biersch Brewery. Section members and attorneys from over ten law firms and various government agencies were in attendance to meet, have a cocktail, and discuss current activities and business development opportunities in the technology field. If you are interested in becoming more involved in the Technology Law Section, please see the calendar of upcoming events in this issue of the Journal.



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Participate in the Technology Law Section!

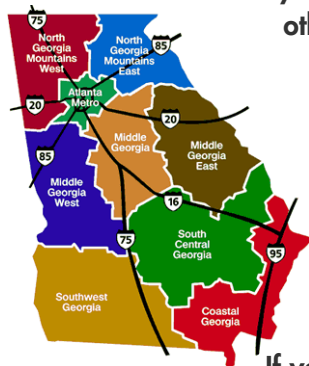
Get involved with the Technology Law Section!

Do you work outside of the metro Atlanta area such as Macon, Savannah, Augusta, or other parts of the State of Georgia? Do you want to be more involved with the Technology Law Section and participate on the Technology Law Section's Executive Committee or one of our various sub-committees?

We are encouraging interested non-Atlanta section members to get involved by participating in our monthly Executive Committee meeting and joining one or more of our sub-committees.

Our next meeting is scheduled for 7:30 a.m. on July 14, 2006. July will be the beginning of the annual term for our newly elected officers and committee chairs.

If you are interested in participating or need dial-in information for our Executive Committee meeting, please contact Chris Chan at 404.815.6048 or at cchan@kilpatrickstockton.com.



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Editor's Notes *By Robert T. Neufeld*

The Summer 2006 issue of the *Georgia Journal of Technology Law* is filled with valuable information for our section members. First, the calendar on page 15 contains details about several upcoming Technology Law Section events that you will not want to miss. One of these is the Section's annual meeting scheduled for Tuesday, June 27th. In addition to conducting the Section elections, we have an impressive panel of speakers that includes attorneys from Microsoft Corporation and BellSouth who will be sharing some of their substantial experience in technology licensing. For those interested in becoming more involved in the Section, the Executive Committee meeting on July 14th is an opportunity to learn about taking a leadership role.

Second, this issue of the *Journal* includes timely articles that may help in your own practice. Mari Meyer, a frequent contributor to the *Journal*, provides the first part of her cutting edge piece discussing employee blogging. In another article, William Still shares some of his insights concerning requests for information from the government based on his substantial industry experience. Finally, Ron Jackson keeps us on top of legislative issues in his regular column.

Lastly, this issue includes pictures and highlights of some of the Section's recent activities. On March 30, 2006, the Section hosted a successful luncheon discussion addressing the current state of financing and venture capital in our region. The Section also continues to host regular networking events such as the happy hour at Gordon Biersch Brewery on May 16th. These are just a few examples of how the Section serves its members.

Bob Neufeld is a registered patent attorney and practices intellectual property law with Womble Carlyle Sandridge & Rice, PLLC. 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 rneufeld@wcsr.com.



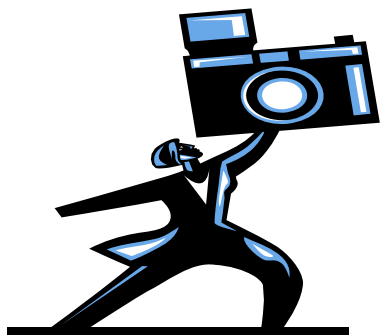
If you have any suggestions for future topics you would like to see addressed in the *Journal* relating to financing a company or issues that arise with startups or early stage companies, please email them to Dennis Gerschick at dennis@gerschick.com



From the Chair *By Suellen Bergman*

This has been a wonderful and exciting year for the Technology Law Section. I hope that you have enjoyed or been informed by some facet of the excellent events and *Journal* articles this year. We have tried some new things with our quarterly events (having a meeting outside metro Atlanta and co-hosting a meeting with a non-lawyer organization) and we have tried to raise the profile and caliber of our Technology Law Institute faculty. As I step down from the Chair position, I know that even greater things are ahead for this Section. The Executive Committee is energized and full of new ideas for the next fiscal year. The Section has already planned for the fall quarterly event, the litigation committee has already started to plan the winter quarterly event, and the Technology Law Institute coming in October will be an outstanding event, with some very impressive faculty, including Ian Ballon.

Below are some highlights from our 2005-2006 year, which illustrates that the Technology Law Section of the State Bar of Georgia is one of the most active in the state. The numbers alone do not reflect the amount of time and effort put in by the officers, organizers, authors, and committee members who help us with our mission to provide a forum for lawyers in the state of Georgia to discuss and learn about technology law issues. I extend many thanks to all those who made it possible this past year, and especially to our Executive Committee (which meets monthly); our officers, Michael Stewart (Vice-Chair) and John Hutchins (Secretary); and our *Journal* Editor, Bob Neufeld, our Webmaster, Stephen Combs, and our Graphic Designer, Jennifer Zeidwig.



Here is a snapshot for July 1, 2005 - June 30, 2006:

- Section membership: almost 500
- Executive Committee membership: almost 20
- Other Standing Committees: Litigation and Volunteer
- Special and Ad Hoc Committees: In-house, Marketing Task Force, Technology Law Institute Planning

Event	Date	Attendees (excluding faculty)	Event Organizers	CLE Credits
Fall Quarterly Meeting: "Streamlining the Transaction Process: a focus on forms, negotiating and business process." (lunch seminar)	8/25/05	28	Suellen Bergman	1 hour
20th Annual Technology Law Institute (1 day seminar)	9/20/05	101	Suellen Bergman, Chair	1 Ethics 1 Professionalism 1 Trial Practice 7 total hours
Winter Quarterly Meeting: "Privacy: Is it Any of Your Business" and "Emerging Theories of Liability for Data Breaches" (lunch seminar)	12/6/05	36	Steven Hardy	1 hour

Event	Date	Attendees (excluding faculty)	Event Organizers	CLE Credits
Spring Quarterly Meeting: Current Financing and Venture Capital Climate in the Southeast - lunch seminar	3/30/06	36	David Keating	1 hour
Annual Meeting: (lunch seminar)	6/27/06		Suellen Bergman & John Hudson (Licensing Executive Society)	2 hours

Other ~

Journal – the Section has published four quarterly issues of the *Georgia Journal of Technology Law* (Summer, Fall, Winter, and Spring) with many in-depth articles on relevant topics. Bob Neufeld served as the Editor for each of these *Journal* issues. Additionally, to recognize outstanding contributions, the Section recommended articles for publication in the Georgia Bar Journal.

Website – the Section’s website – and new domain name, www.technologybar.org, chronicles Section events and has search capabilities on our repository including ten years worth of articles.

Community Service – the Section continued its support of TECH CORPS Georgia (“TCGA”), a nonprofit seeking to bridge the digital divide by providing computers and training to children and their families in lower income communities. The Section raised and donated approximately \$1000 for TCGA from a portion of the registration fees for the annual Technology Law Institute.

Social – the Section sponsored its second Fall Social and first Spring Social at Gordon Biersch on October 20, 2005, and May 16, 2006. The event chairs were Bob Neufeld, Chuck Ross, and Gaines Carter.

GECA Meeting with Thurbert Baker – The Section co-sponsored a meeting of the Georgia Electronic Commerce Association, featuring Georgia Attorney General Thurbert Baker, on January 18, 2006.

New Initiatives – the Section launched five new initiatives: creating a CLE program accessible to lawyers who work “OTP” (outside the perimeter), revising the bylaws, changing the website domain name to www.technologybar.org, devoting a portion of the Section’s website and other resources to podcasting, and co-sponsoring a CLE event with a non-bar organization (Licensing Executives Society).

2006 State Bar Annual Meeting – the Section sponsored the Opening Night Gala at the Annual Meeting being held in Hilton Head Island, South Carolina, in June, 2006.

As always, I encourage you to get involved. We are always looking for people to join the Executive Committee. You can reach me at sbergman@kslaw.com with any questions or comments and to express your interest in participating in the Section. It has been a pleasure to serve you. I wish you the best, both professionally and personally, in the years to come.

Best Regards,

Suellen

Suellen W. Bergman

Suellen W. Bergman graduated from Washington University in St. Louis in 1993 and from the University of Georgia School of Law (cum laude, 1996). She practices technology law at King & Spalding LLP. She can be reached at 404.572.4600 or at sbergman@kslaw.com.



Do Your Clients Have Blogging Policies? Maybe They Should.



Part One - Statistics On Blogging, Or Why Your Clients Need A Blogging Policy. *By: Mari L. Myer*

By now, an employer would have to be conducting business under a rock in order to be unaware of the explosion in Internet blogs. It is possible to find Internet blogs covering virtually every aspect of life, including the workplace. This two-part article will focus on private-sector employees who are engaging in blogging activity that pertains to or impacts their

workplace and is not protected by the National Labor Relations Act or other laws governing collective bargaining and related activities. To the extent that a blog may be protected as concerted activity for the mutual protection of employees or as a union organizing activity, the issues surrounding such protections are beyond the scope of this article. Blogs posted by public sector employees, and the impact of the First Amendment and other protections on those blogs, are also beyond the scope of this article.

Although there are many issues surrounding blogging that we can expect the courts to address in the coming years, to date there have been no reported decisions by the state and federal courts sitting in Georgia regarding blogging. But many of the issues raised by employee blogging can be analyzed within the framework of other caselaw. Part One of this article will provide some statistics regarding blogs and offer reasons employers should consider implementing blogging policies. Part Two of this article will offer suggestions regarding the substance of any such policies.

Some Statistics on Blogs

One of the characteristics of blogs that makes them unique is that bloggers tend to make stream of consciousness postings. They speak their minds in much the same way they use the spoken word. But, unlike the spoken word, blogs can be permanent. An angry tirade against an employer or co-worker made to a friend in the privacy of one's home - or in a bar - will leave no evidence behind except in the memories of the parties to the conversation. An angry tirade in a blog will still be available for the entire world to read long after the anger has passed. Any policy regarding blogging must take this characteristic into consideration.

A survey conducted by the Employment Law Alliance ("ELA") in January 2006 revealed that 5% of American workers maintain personal blogs, and that only 15% of American workers are employed by companies that have policies regarding blogs. (Press Release, *Blogging and the American Workplace - As Work-Related Web Blogs Proliferate, New National Survey Finds Few Employers Are Prepared For the Impact*, February 6, 2006; survey charts and graphs available at www.employmentlawalliance.com. The ELA conducted a telephone survey of 1000 American adults over the weekend of January 22, 2006. The ELA reports a confidence interval of +/- 4%.) According to an April 11, 2006 posting at www.newdogtricks.blogspot.com/2006/04/executives-should-encourage-employee.html, IBM and Microsoft each have at least 2000 employees who maintain blogs. We should expect the number of American workers who maintain personal blogs to grow rapidly.

Here are some statistics gathered by the ELA survey regarding those employers with blogging policies in place as of January 2006:

- 58% of those policies addressed all employee blogging;
- 33% only addressed employer-related blogging;

- 81% did not encourage promotion of the employer's business or reputation on the employees' blogs, and 18% encouraged such promotion - reflecting a diversity of views among employers that have considered such issues as to the appropriate role of a blog;
- 49% distinguished between posting a blog using the employer's computer network and posting a blog from a non-workplace location;
- 77% prohibited or discouraged the posting of specified employer-related information. Those restrictions included prohibitions against posting of (1) any employer-related information or material, including personal opinions (62%); (2) criticism or negative comments about the employer (60%); and (3) specified types of references to the employer, supervisors, co-workers, customers and clients (57%).
- 23% placed no limitations on the information that an employee was authorized to post on a blog.

Of the employers with blogging policies restricting the information that an employee was authorized to post on a blog, 79% specified in their policies the consequences of policy violations.

Of the 5% of American workers who currently maintain a blog, the vast majority - 84% - reported that they had never posted any employer-related information on their blog. However, the remaining 16% reported having posted information that could be considered critical of their employer, supervisors, co-workers, customers or clients.



The ELA survey also inquired of American workers regarding their attitudes towards employer blogging policies. Surprisingly, only 59% of the workers who were polled agreed that employers should be allowed to discipline and/or terminate employees who had posted confidential or proprietary employer-related information on a blog. This survey result raises a serious question regarding the attitudes of - and the need to educate - the remaining 41% concerning the importance of protecting confidential and proprietary information.

According to the ELA survey, 55% of those workers who were polled agreed that employers should be allowed to discipline or terminate employees posting damaging, embarrassing or negative information about their employers, but that 23% believed that employees should be free to post criticism or satire of their employer, co-workers, supervisors, customers and/or clients on a blog without repercussion. Former employees of numerous companies, including an airline, a social networking site, and a technology company, have reported being terminated as a consequence of blog postings that either criticized their employers and co-workers or contained personal information about themselves that their employers found embarrassing. These allegations have not, however, been confirmed by the employers.

Why have a policy?

With these statistics, it is easy to understand that employers need to implement thoughtful blogging policies sooner rather than later, because later may be too late. By implementing a policy before blogging

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becomes entrenched in the company's culture, the employer can establish and enforce clear standards, including disciplinary procedures to follow when a policy is violated.

Coming in the Next Issue of the *Georgia Journal of Technology Law*: Part Two of this article will discuss some of the blogging policy options available to companies.



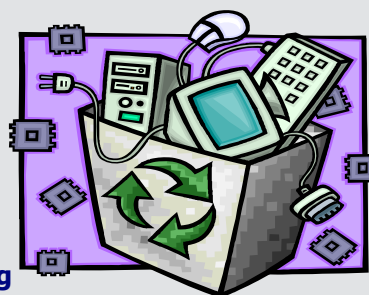
Ms. Myer is Senior Counsel with Friend, Hudak & Harris, LLP in Atlanta. Her business and employment litigation practice focuses on technology and intellectual property issues, including the protection of trade secrets and confidential business information, and the drafting, interpretation and enforcement of restrictive covenants in employment agreements. She earned her A.B. from Wellesley College, cum laude, and earned her J.D. from Boston University School of Law. She may be reached at 770-399-9500 or via email at mmyer@fh2.com.

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Technology Law Journal Contributors Move On To Bigger Ponds!

Would you like to be published in the *Georgia Bar Journal*? Would you like to give your article a "test drive" first? If so, CONTRIBUTE AN ARTICLE to the Technology Law Journal. The Technology Law Section's Executive Committee nominates one article from each issue of the Sections's quarterly publication for submission to the *Georgia Bar Journal*. Several of our recent nominations have been published.

Most recently, Steve Hardy's article entitled "Personal Jurisdiction in Georgia Over Claims Arising from Business Conducted Over the Internet" first appeared in the Technology Law Journal in the 2005 Summer and Fall issues and was re-published in the June 2006 issue of the *Georgia Bar Journal*, Vol. 11, No. 7.

If you would like to showcase your practice for the Technology Law Section and the entire Georgia Bar, consider submitting an article for publication to:
Robert Neufeld, Editor, at rneufeld@wcsr.com or 404.879.2460.

Legislative Update *By Ronald V. Jackson*

The 2005-2006 General Assembly ended with the March 30, 2006 adjournment of this year's session. All 236 seats will be up for election in November. Before leaving town, the legislature did pass a few bills impacting telecom and technology companies in Georgia. Some were discussed in the last issue.¹ Another, (SB 596 which sought the creation of a "Newborn Umbilical Cord Blood Bank") was in part enacted through an executive order issued by Governor Perdue. A brief overview of the others follows.



Social Security Numbers

SB 588, effective July 1, 2006, prohibits - with certain exceptions - the use or display of an individual's social security number ("SSN").

Under new Code Section O.C.G.A. § 10-1-393.8, a person may not (i) publicly "post" or "display" (*i.e.*, intentionally communicate or make available to the public) SSNs, (ii) require an individual to transmit their SSN over the Internet via an unsecured connection, or (iii) require the use of a SSN to access a website without also requiring the use of a unique password or I.D. number.

SB 588's prohibitions do not apply to (i) the use or release of SSNs as required by federal or state law, (ii) the inclusion of an SSN in an application form or document sent by mail, fax, or electronic transmission for certain purposes (*e.g.*, account enrollment, establishment, amendment, or termination of an account or contract), (iii) verification of an SSN, or (iv) the transmission, temporary storage, or caching of SSNs by "interactive computer" or "telecommunications" service providers.²

Telephone Records

Another bill seeking to curb the sale of telephone records, the "Georgia Telephone Records Protection Act" (HB 1290), became effective on May 1, 2006. As enacted, any person knowingly procuring, soliciting, selling, or receiving telephone records of a Georgia resident or business without the customer's consent, or attempting to do so, is guilty of a felony punishable by up to a \$250,000 fine, ten (10) years imprisonment, or both. Private causes of action are expressly foreclosed.

A "telephone record" is broadly defined as information retained by a "voice service provider" relating to calls placed or received by the customer or "other data related to telephone calls", but does not include information used or collected in connection with a customer's use of caller identification technologies. A voice service provider's good faith use or disclosure of telephone records in connection with the provision of service, or in response to certain government requests, does not constitute a violation.



¹ See SB 455 - the "Telephone Records Privacy Protection Act" (among other things, prohibiting "telephone record brokers" from purchasing, acquiring, selling, or releasing the telephone records of a Georgia resident); and SB 120 (promoting the continued development and availability of broadband, wireless, and voice over Internet protocol ("VoIP") services by providing that the Georgia Public Service Commission has no jurisdiction over the rates, terms, and conditions of such services).

² Notably, SB 588 provides that such service providers are not obligated to monitor their networks for the transmission of SSNs.

Teleworking

HB 194 encourages businesses to develop teleworking programs by providing employers, under certain circumstances, limited income tax credits of up to \$1,200 for “eligible telework expenses” related to employees participating in such programs.

Looking to the Future

When the General Assembly convenes in 2007, legislators may well look to re-introduce bills that failed to pass in 2006, such as legislation addressing “phishing”, the protection of minors from adult content, and additional privacy protections. Georgia will assuredly see the introduction of legislation similar to bills already introduced in Congress (and passed in other states) enabling incumbent telephone carriers like AT&T to obtain statewide video franchises instead of negotiating agreements with individual municipalities. And although many see it as a federal issue, it appears that so-called “net neutrality” (e.g., whether broadband network operators should be allowed to charge large bandwidth users, such as Google, additional fees to guarantee certain service levels and delivery speeds) will receive at least some attention.



Ronald V. Jackson is Of Counsel with the law firm of Sapronov & Associates, P.C. where his practice includes advising clients on matters involving federal, state, and local telecommunications law, regulation and advocacy. Mr. Jackson has also served as the Legislative Aide to the Senate Judiciary Committee during the 2004 and 2005 Sessions of the Georgia General Assembly. He earned his J.D from the Emory University School of Law in 1996, and he earned a B.A. in History from Millsaps College in 1992. He may be contacted at 770.399.9100 or at rvjackson@wstelecomlaw.com.

Spring CLE Lunch

On March 30, 2006, the Technology Law Section hosted its Spring Meeting and presented a panel discussion entitled Current Financing and Venture Capital Climate in the Southeast. The panelists included lawyers and representatives of venture capital funds discussing the current investment climate in our region. The seminar was well attended by both in-house counsel and attorneys in private practice.



David Keating introduces the speakers for the seminar.



Sean Banks, the General Counsel of Total Technology Ventures, addresses the audience.



Tom Carter, a partner with Alston & Bird LLP, discussing current venture capital issues.

Managing Corporate IP Portfolios: Lessons from Two Top Companies

Annual Meeting of the Technology Law Section of the Georgia Bar In Cooperation With the Licensing Executive Society

Tuesday, June 27, 2006 • 11:30 am - 2:00 pm • Maggiano's - Buckhead

\$35 (Includes Lunch and Two Hours of CLE Credit) • Co-Sponsored by ICLE of Georgia

BELLSOUTH

"Building and Managing a Corporate Patent Portfolio"

Scott M. Frank, President, BellSouth Intellectual Property Management Corporation and BellSouth Intellectual Property Marketing Corporation

Carol Beckham, Vice President, BellSouth Intellectual Property Marketing and Management Corporation

Michael Bishop, Chief IP Counsel, BellSouth Corporation, and President & General Counsel, BellSouth IP Corporation

Jodi L. Hartman, Partner, Hope Baldauff Hartman, LLC

Microsoft

"Microsoft IP Licensing: Open for Business"

W. Glen Johnson, Senior Attorney

Ellyn Foltz, Director, Customer Advocacy and Intellectual Property Licensing

TO REGISTER: Please print, complete, and mail this portion by Thursday, June 22 along with your check for \$35 made payable to the State Bar of Georgia to:

Johanna Merrill
Section Liaison

Re: Annual Meeting of the Technology Law Section
State Bar of Georgia
104 Marietta St., NW, Suite 100
Atlanta, GA 30303

Questions? Call (404) 527-8700

Name (Please Print): _____

Bar Number: _____

Litigation Committee Is Open To All Section Members

The Litigation Committee of the Technology Law Section of the State Bar of Georgia focuses on litigation of technology disputes, including disputes involving computers and the Internet.

The Committee provides litigation focused newsletter articles, CLE Luncheons and a module at the Section's annual Technology Law Institute. The Committee is open to all section members, litigators and non-litigators alike.

If you would like to participate in the Committee or for more information, please contact its Chair, David M. Lilenfeld at david@lilenfeld.com.

Ask Not for Whom the Government Knocks, It Knocks for Thee *By William Still*

The issue seems to be everywhere these days and has been for a while – government asking for information from companies for a variety of reasons. While a lot of recent attention has focused on government agencies requesting information in furtherance of a public policy goal, it wasn't too long ago when the news brought us stories of federal investigators issuing subpoenas or serving search warrants on corporate headquarters all over the country. While a company often has no choice but to comply with a government's request for information, doing so could present important legal issues for your company when the government comes knocking on your door. This article is meant to provide a brief review of issues to consider in helping a company prepare for and respond to government inquiries.

Recent media coverage of the National collection of information related to its anti-terrorism mission and the demand for information from Google responding to information requests examples show that every request for the government looking for the next information, government agencies related to a customer or an employee, public assistance benefits.



Security Agency's (NSA) reported telephone calls in connection with Department of Justice's massive have highlighted the issue of by the government. These information may not be a result of Enron. When they ask for may be looking for information such as assets of individuals seeking

However, if that knock on the door comes it will always provide a little excitement employees would prefer not to have. That's why companies should be prepared and have programs in place to help make such requests a little less stressful.

But let's be clear. It's going to be stressful. Especially if the company is the target of a government investigation.

A government agency may approach a company or its employees in any number of ways. If the government wants to talk to an employee, they will likely go to their house when they know they'll be there – either early in the morning or at night. The agent will often tell the employee that he or she just wants to talk and that cooperation will "make it easier." However, it's always a bad idea to "just talk" without the benefit of counsel. We've all seen many situations where a person just wants to help and then later ends up facing a false statement claim.

This is obviously a sticky subject for companies and employees. Just like writing a will, no one wants to think about unpleasant realities. But, it is better for companies and their employees to be prepared rather than have to respond in the middle of an event. Companies should consider educating employees of their rights, the scope of in-house counsel's representation, the issue of separate counsel, and the probable emotions involved in these issues.

At a minimum, a company should consider educating employees what their rights are in such situations. First of all, an employer cannot tell an employee not to talk to a government official – that's up to the employee. Furthermore, an employer cannot condition employment on an employee's decision to talk to an official. A company does not want to find itself in a position facing an obstruction of justice charge because it appears that the company has retaliated against an employee who has talked to investigators.



So, what can an employer do? An employer can advise its employees what their rights are: that they are not obligated to talk to a government agent and that they have the right to get legal advice before any such conversations. An employer can offer the company's legal department as an initial sounding board about the contact and help the employee determine whether they need separate representation. However, the legal department must be clear to the employee that they represent the company at all times.

An employer can also request that employees call the company's legal department immediately upon any contact with a government agent. This notice to legal, while it cannot be a condition of employment, benefits the employee by giving them the chance to discuss the matter with a lawyer and benefits the company by having a heads-up about the request.

Finally, the company should consider implementing clear procedures for employees who have contact with a government agent. The best advice to employees is to thank the agent and accept any subpoena he or she may have without engaging in conversation. However, the government knows how to be intimidating and people sometimes forget their rights. That's why education is key.

RULE 234.6 FORM OF SUBPOENA
 A subpoena issued pursuant to Rule 234.1 shall be substantially in the following form:
 Commonwealth of Pennsylvania
 County of _____
 (Caption)
SUBPOENA TO ATTEND AND TESTIFY
 To _____
 (Name(s) of Witness(es))
 1. You are ordered by the Court to come to _____ (Specify Courtroom or other place) at _____ o'clock, _____ M., to testify on behalf of _____ in the above case, and to remain until excused.
 2. And bring with you the following: _____
 If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.
 Requested by: _____ (Attorney's name, address, telephone number, and identification number) BY THE COURT.
 Date: _____ By _____
 (Name of prothonotary)
 Seal of the Court
 Return of Service (Reverse Side of Subpoena)
 On the _____ day of _____, I, _____, served (name of person served) with the foregoing subpoena by: _____
 (Describe method of service)
 I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 P. S. § 4904 relating to unsworn falsification to authorities.
 Date: _____
 signature _____
 Adopted December 14, 1989, effective January 1 1990. Amended April 7, 1997, effective July 1, 1997; April 12, 1999, effective July 1, 1999.

Most of the time, the government will approach a company with a subpoena. Companies should be aware that a subpoena may come into the company through a variety of channels and have processes and procedures in place to properly handle the subpoena within the company. Employees should be aware of what subpoenas are and where to send them.

Once the company receives the subpoena, the first call should be to legal. In-house counsel, either working alone or with outside counsel, should review the subpoena to try to determine what the matter really is all about. Clues could include whether the request is related to a customer account, company records, or an employee. This information will also help to determine what the legal risks – if any – are for the company.

Once legal has reviewed the subpoena, the company should immediately stop all document destruction, including disposal under standard document retention policies. Immediate steps should be taken to prevent the destruction of any information or records that may be subject to the subpoena. This is a vital step in the post-Enron/Arthur Andersen world.

There needs to be an immediate, clear, and focused communication from legal to stop all document destruction. The scope of the order should be cautious and overbroad. Any order should consider all documents, regardless of format, including emails, paper files, computer disks, computer files, etc.

It is always possible to review the decisions made by the company and resume corporate policies as new information emerges. It's not possible to undestroy a document once it's gone, and that makes it harder to defend an obstruction of justice charge.

Finally, employers and legal counsel should be aware that the subpoena may prohibit anyone from disclosing the existence of the subpoena.

In addition to a subpoena, agents will sometimes execute search warrants at a business. In that case, a dozen or more agents might show up at the door with a warrant authorizing the search and seizure of computers, servers, files – virtually any form of company document.

The company's response should always be to open the door and stay out of the way. Neither legal counsel nor any officer, manager, or employee should do anything to make it appear that they are interfering with a search warrant. Agents may also require employees to stay at the job site after hours or prohibit them from making phone calls.

While legal counsel should not and must not do anything to interfere with the search warrant, if the agents are handling materials that might be subject to the attorney-client privilege, the agents should be so informed to put them on notice that the materials they are taking may be subject to a later assertion of privilege. This will certainly not stop them from taking the materials but it does give them notice about the evidentiary value of the information.

If the agents serve a search warrant, it is likely they also showed up with a list of employees with whom they want to talk. These conversations are subject to the same rules and procedures discussed earlier.

Finally, as we have seen in the Google and NSA matters, disclosures of information – whether voluntary or compelled – do raise privacy issues for a company. Most companies have privacy policies that outline the circumstances under which they will or will not disclose personal information collected about customers, employees, or consumers. Companies should be careful in writing these privacy policies. The reality is that it is very difficult to quash a subpoena and not turn over information requested by a government agency. That includes personal information about employees or customers, regardless of any promises you make in your company's privacy policy. Therefore, it is important that companies are careful in discussing under what situations it may disclose information, notwithstanding their firm commitment to privacy.

We all know the feeling of looking in the rear-view mirror and seeing a police officer behind us. Our thoughts immediately turn to how fast we're going or are we wearing our seatbelt as adrenaline rushes into our bloodstream. A government subpoena or search warrant for company records could be like looking up and seeing a hundred police cars behind us with their lights flashing. But, with careful planning and education, a company may minimize the emotion, uncertainty, and confusion typically found in these situations.



William Still is a member of Troutman Sanders LLP's governmental law practice group and privacy and data security practice team. As Director of Privacy and Government Affairs for ChoicePoint for almost eight years, William brings important corporate experience and insight to his practice. William can be reached at william.still@troutmansanders.com.

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**



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. 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)

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)

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)

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) 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).

Teaching/Training/Advice: TECH CORPS Georgia, Inc.’s (“TECH CORP”) (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.



TECH CORPS often needs volunteers to assist with the various classes and programs that are provided, including computer and software Training (e.g., office applications, etc.), Computer Repair and Maintenance, Internet research, and assistance with the TECH CORPS website.

For the last 5 years, the Technology Law Section has supported TECH CORPS financially (with a portion of proceeds from the Technology Law Institute) and through “volunteer days” for interested members. Past volunteer day topics have included helping students develop computer-based job search skills and to manage their finances. If you are interested in volunteering with TECH CORPS, please contact Ron Jackson (rvjackson@wstecomlaw.com).

General Business Law Opportunities

Volunteer Business Lawyers: A Business Commitment (“ABC”) (www.ABC-Georgia.org) is a joint project of the State Bar of Georgia, the ABC Committee, and the Georgia Legal Services Project. ABC matches volunteer business lawyers with community-based organizations in Georgia. Currently, ABC and its member organizations need assistance with several issues.

Non-Profit Formation: ABC is also seeking lawyers to assist community-based organizations that seek to incorporate or acquire 501(c)(3) status. For more information, please visit ABC’s website.

Non-Profit Formation: The Atlanta Volunteer Lawyers Foundation (“AVLF”) (www.avlf.org/wills.html) is also seeking lawyers to assist community-based organizations that seek to incorporate or acquire 501(c)(3) status.

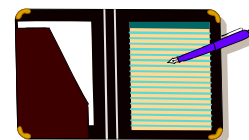
Community Service: AVLF has two (2) programs -- “Wills on Wheels” for and “Wills for Emergency Service Personnel” -- in which volunteer attorneys assist individuals by drafting wills and other advance directives.

AVLF designees provide the required training for these programs. Attorneys first work with the client by telephone, draft the will, and then meet with the client to execute the will. To register for this training, please contact Dawn Stephens (dstephens@needlerosenberg.com), Ron Jackson (rvjackson@wstecomlaw.com), or Connie White of AVLF (cwhite@avlf.org). If you contact AVLF directly, mention that you are a Technology Law Section Volunteer.



For more information, about these opportunities or for more information on membership on the Committee for Volunteer Activities, please contact: Ron Jackson (rvjackson@wstecomlaw.com).

Calendar of Upcoming Events



Annual Meeting

Maggiano's in Buckhead
3368 Peachtree Road, Atlanta

June 27, 2006
11:45 am - 1:00 pm

Executive Committee Meeting

Troutman Sanders LLP
600 Peachtree Street, NE, Suite 5200, Atlanta

July 14, 2006
7:30 am

Executive Committee Meeting

Troutman Sanders LLP
600 Peachtree Street, NE, Suite 5200, Atlanta

August 11, 2006
7:30 am

Quarterly Meeting

Location to be announced

September 12, 2006
12:00 pm - 1:00 pm

Technology Law Institute
State Bar Headquarters

October 17, 2006

Highlights from the Executive Committee *By John P. Hutchins*

The Executive Committee has met three times since publication of the Spring Issue of the Georgia Journal of Technology Law - April 14, May 12, and June 9, 2006. Highlights of the February, March, April and May meetings follow. The minutes of the June 9 meeting will be reviewed and revised (if necessary) at the July 14, 2006 Executive Committee meeting and published in the Fall issue of the Journal.

February 10, 2006

Suellen Bergman chaired the meeting, and the minutes from the January 13, 2006 meeting were reviewed and revised by the Committee, and adopted.

Annual Meeting Suellen Bergman presented further plans for the Section Annual Meeting, to be held in June 2006, where Section elections will be held. The likely meeting place is Maggiano's in Buckhead, and will feature a speaker from the Licensing Executives Society, with a program focusing on large company IP asset portfolio management. Suellen reported that the Election Committee has begun its work and that, because Section elections will be done by secret, paper ballot prior to the meeting this year (in accordance with the new By-laws), a more full program is being planned for the Annual Meeting than has normally been planned in the past.

Spring Quarterly Meeting Update David Keating reported that the details for the Spring Quarterly meeting were all complete; to be held March 30, 2006, at Alston & Bird and to include a panel discussion entitled "Current Financing and Venture Capital Climate in the Southeast." The panel members are Sean Banks (Total Technology Ventures), Tom Carter (A&B) and Sig Mosley (Imlay Investments), Paul Pishal (HIG Ventures) and Ramsay Battin.

Foundation Freedom Project Suellen Bergman distributed information on the State Bar's Foundation Freedom Project. A brief discussion followed. Copies of the materials are on file with the record copy of these minutes.

TLI 2006 Mike Stewart announced that the date for the 2006 Technology Law Institute is Tuesday, October 17, 2006, and the Institute will again be held at the State Bar headquarters in downtown Atlanta. Mike distributed a list of possible topics and solicited feedback. A discussion followed. Mike solicited volunteers for the 2006 TLI Planning Committee. The following members of the Planning Committee were named: Lael Bellamy (Home Depot), David Keating, Chuck Ross, Gaines Carter, Mari Myer, Mike Vollmer and John Hutchins.

Report on Approval of By-Laws Suellen Bergman reported that the revised By-Laws for the Section were approved by the State Bar Board of Governors.

Podcasting Chuck Ross reported that the podcasting project is moving forward, although he is seeking further information regarding bandwidth in connection with the Section website. Troutman Sanders has volunteered to do the first podcast when the technology is ready.

GECA Meeting with Thurbert Baker Mike Vollmer reported on the meeting jointly sponsored with the Georgia Electronic Commerce Association, featuring Georgia Attorney General Thurbert Baker, on January 18, 2006. Mike stated that other, similar joint sponsorship opportunities are available, with minimal or no cost to the Section, and the Committee agreed that the Section should pursue such opportunities as a way to make the Section more visible.

Section Planning The balance of the meeting was spent by Committee members sharing responses to Suellen Bergman's request that members present ideas for strategically spending Section resources to meet Section goals,





which generally include more robust participation in the Section. There was significant discussion regarding the idea of a professionally-assisted web survey and the pros and cons of such a survey. Many other ideas were discussed, including inviting lawyers outside of Atlanta to join the Executive Committee and participate by telephone; partnering with other groups to produce and co-market joint programs; subsidizing the cost of event so that members could attend more affordably; holding an event in a place outside of Atlanta, such as the North Carolina tech corridor or another city in Georgia; more regular and larger “networking” events; and, conducting a regular basic program – i.e., “Tech Boot Camp” – by way of reusable media. Suellen Bergman moderated the discussion and has reduced these and other ideas to writing and the Committee will continue to discuss them in future meetings until an action plan is developed.

Members in Attendance The Executive Committee members in attendance were Suellen Bergman, Mike Stewart, John Hutchins, Chuck Ross, Mari Myer and Mike Vollmer, Melissa Yost, David Keating, Gaines Carter, David Lilenfeld and John Hutchins.

Thanks for Hosting!



The Executive Committee thanks the law firm of Troutman Sanders LLP for hosting the February 10, 2006 meeting.

March 10, 2006

Suellen Bergman chaired the meeting, and the minutes from the February 10, 2006 meeting were reviewed and revised by the Committee, and adopted.



Annual Meeting Suellen Bergman reported that the plans for the Section Annual Meeting, to be held in June 2006, are still shaping up. The likely meeting place is Maggiano’s in Buckhead, and will feature a speaker from the Licensing Executives Society, with a program focusing on large company IP asset portfolio management. The Election Committee is comprised of Mari Myer, David Lilenfeld, Ann Moceyunas, Janine Bowen, and Kent Webb, and it is arranging for elections in accordance with the new By-Laws.

Spring Quarterly Meeting Update Suellen Bergman reported that David Keating has successfully planned all the details for the Spring Quarterly meeting, and the Executive Committee expressed appreciation for David’s good planning efforts and looked forward to a great event.

TLI 2006 Mike Stewart presented some of the details regarding the 2006 Technology Law Institute, which is scheduled for Tuesday, October 17, 2006, at the State Bar headquarters in downtown Atlanta. Mike discussed the efforts by the Planning Committee to determine the topics to be covered at the TLI and the speakers to cover them. The Executive Committee approved \$1500 for Sean Carter to be invited back to give another luncheon presentation on Ethics and Professionalism. The Planning Committee is continuing its work and will report further at the next Executive Committee meeting.

Website Steve Combs (Webmaster) gave a website update. The Section will change the domain name of the website from www.computerbar.org to www.technologybar.org, consistent with the current name of the Section. The old domain name will continue to work. The Section has previously discussed having the ability to sign up and pay for events on the Section website, but decided against this in favor of having the State Bar deal with handling payments and payment security issues. Steve is going to look into adding a feature that will allow members to automatically update their Outlook calendars simply by clicking a link to be included in the description of an event on the website.

In-House Committee Steve Combs stated that, despite his move back into a private firm (Morris, Manning & Martin), he will still spearhead the effort for the in-house committee, which may soon focus on a forms project.

Government Committee This Committee has been discontinued for lack of interest.

Annual Happy Hour In light of plans to include an additional networking event in connection with the TLI in October, the Annual Section Happy Hour will occur this year on May 16, 2006. Details will be presented at the next Executive Committee meeting.

Section Planning Further discussions occurred in regard to ideas for strategically spending Section resources to meet Section goals, which generally include more robust participation in the Section. Mike Vollmer presented the results of some personal research he has undertaken based on membership data kept by the State Bar, and he cleverly made his presentation in the form of a quiz on various statistics regarding membership in the section. In general, it appears that the Section population is more experienced than assumed and also more Atlanta-focused than suspected.

Members in Attendance The Executive Committee members in attendance were Suellen Bergman, Mike Stewart, Mari Myer, Mike Vollmer, Melissa Yost, Steve Combs, Erinn Robinson, Gaines Carter and David Lilenfeld.

Thanks for Hosting!

The Executive Committee thanks the law firm of Troutman Sanders LLP for hosting the March 10, 2006 meeting.

April 14, 2006

Suellen Bergman chaired the meeting, and the minutes from the February 10 and March 10 meetings were reviewed and revised by the Committee, and adopted.

New members The Committee welcomed Kean DeCarlo, from Needle & Rosenberg, to the Executive Committee.



Departing members The Executive Committee acknowledged Dawn Stephens, from Needle & Rosenberg, who is leaving that firm to take a position in the Law Department at Texas Instruments in Dallas, Texas. The Committee thanked Dawn for her work on behalf of the Section.

Spring Quarterly Meeting Report Suellen Bergman reported on the successful Spring Quarterly meeting. The meeting was held March 30, 2006, at Alston & Bird, and included a panel discussion entitled "Current Financing and Venture Capital Climate in the Southeast." The panel members were Sean Banks (Total Technology Ventures), Tom Carter (A&B), Sig Mosley (Imlay Investments) and Paul Pishal (HIG Ventures). Approximately 20 people attended, including some new faces. Suellen reported on the results of a survey form that was distributed at the event and completed by about half the attendees. The survey showed that the event included members as well as non-members, most of whom worked at private law firms and said they would likely attend a future event. The event was also videotaped, with the idea of including the video content on the Section website, if possible.

Annual Meeting Update Suellen Bergman reported that the plans for the Section Annual Meeting, to be held in June 2006, are mostly confirmed, but that some confirmation of plans still needs to be done. The likely meeting place is Maggiano's in Buckhead, and is co-planned with the Licensing Executives Society, with a program focusing on large company IP asset portfolio management.

Section Planning Suellen Bergman distributed a summary of the discussions and proposals thus far had by the Executive Committee in regard to ideas for strategically spending Section resources to meet Section goals, which generally include more robust participation in the Section. A copy of the summary is attached to the record copy of these minutes. The Committee took the following action in regard to these proposals:

- The Committee agreed that it would be worthwhile to invite members outside of Atlanta to join the Executive Committee and participate in meetings by telephone. It was resolved that ads seeking such participation would be placed in the Journal and that the nominal cost of long-distance charges for such participation would be covered by the Section
- The Committee agreed that the Section should take advantage of all no-cost or low-cost opportunities to partner with other like-focused groups to sponsor events and seminars, similar to the “co-branding” of a seminar featuring Attorney General Thurbert Baker that recently occurred with the Georgia Electronic Commerce Association.
- The idea of a marketing survey of the membership was tabled indefinitely, but the Committee resolved to re-vamp the Marketing Committee, to be led by Chris Chan with assistance from Mike Vollmer, and to appropriate \$5,000 for the Committee to use to ramp up marketing efforts, subject to Executive Committee approval. Chris accepted the appointment and agreed to begin work immediately.
- The idea of engaging a consultant to assist the Executive Committee in developing membership growth strategies was indefinitely tabled.
- The Committee resolved to appropriate up to \$1500 for various website initiatives, including enhancing the website so that all calendar events and podcasts are sent out as RSS feeds; new capabilities allowing indexing and searching of Journal issues; the purchase of a digital recording device for the purpose of producing podcasts; improvements to the landing page; and adding a photo gallery. In addition, Steve Combs agreed to put together a complete “wish list” for improving the website, all of which it is estimated can be accomplished within the \$1500 budget.



TLI 2006 Mike Stewart presented some further of the details regarding the 2006 Technology Law Institute, which is scheduled for Tuesday, October 17, 2006, at the State Bar headquarters in downtown Atlanta. Mike discussed the efforts by the Planning Committee to complete the planning of the topics to be covered at the TLI and the speakers to cover them. John Hutchins then presented an idea for a networking event, and some discussion ensued. The networking event is still in the planning stages.

Annual Happy Hour This event is planned to occur on May 16, 2006 to be advertised through a Georgia Bar E-blast to Section members.

Litigation Committee Mari Myer reported that the leadership of the Committee had been transitioned to Larry Kunin. The Committee wants to re-visit the issue of giving the Committee a confirmed, quarterly meeting event to plan every year, preferably the August event.

Members in Attendance The Executive Committee members in attendance were Suellen Bergman, Mike Stewart, Steve Combs, Chuck Ross, Mari Myer, Kean DeCarlo, Gaines Carter, Chris Chan, Robert Mercer and Dawn Stephens.

Thanks for Hosting!



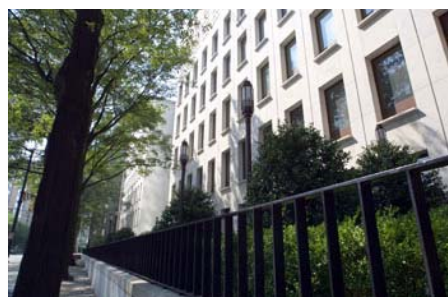
The Executive Committee thanks the law firm of Troutman Sanders LLP for hosting the April 14, 2006 meeting.

May 12, 2006

Suellen Bergman chaired the meeting, and the minutes from the April 14 meeting were reviewed and revised by the Committee, and adopted.

TLI 2006 Mike Stewart, who was absent, provided a written report, as follows:

- **Program/Speakers.** All modules have been settled upon with the exception of the module on international law. David Keating is taking the lead on choosing a topic and speakers for that module. All other modules are fully or partially staffed. Participants are still needed for the panel on emerging technologies (the moderator, Brett Lockwood, is seeking participants) and we still need a speaker to present the legal viewpoint in the New Communications Module (Mike Vollmer is looking for someone in this regard). Next steps are to finalize the order and timing of the various presentations and to start coordinating distribution of materials regarding writing requirements, along with booking travel and lodging reservations for out-of-town visitors.
- **Facility.** The State Bar headquarters has been secured for October 17, 2006. ICLE is procuring the food and applicable snacks.
- **Advertising.** I have elected not to pursue advertising in the Georgia Bar Journal this year inasmuch as (i) we will not have the line-up finalized in time to meet the applicable publishing deadline, and (ii) surveys from last year disclose that the advertising in the Georgia Bar Journal had little to no impact on creating awareness for the Technology Law Institute. As such, we will focus our advertising efforts on other avenues opened by Suellen that proved useful, such as marketing to other sections, etc. In addition, given that the Georgia Bar Journal ad did not generate appreciable results, we will allocate that money to the idea of a networking event at McCormick & Schmick's following the TLI.
- **Speakers' Dinner.** We are looking at McCormick & Schmick's as a site for the speakers' dinner; however, we would like the speakers' dinner to be in close proximity to the networking event, and so will hold off reserving space in any restaurant until the location of the networking event is decided upon.



Annual Happy Hour Robert Mercer reported that this event is planned to occur on May 16, 2006 and has been advertised through a Georgia Bar E-blast to Section members. Each person in attendance will receive two free drink tickets, and food will be served.

Elections Mari Myer announced that Gaines Carter, a long time Executive Committee member, is the unopposed nominee for Secretary. Ballots will be sent out to Section members through the State Bar.

Spring Quarterly Meeting Report Suellen Bergman reported on the successful Spring Quarterly meeting. The meeting was held March 30, 2006, at Alston & Bird, and included a panel discussion entitled “**Current Financing and Venture Capital Climate in the Southeast.**” The panel members were Sean Banks (Total Technology Ventures), Tom Carter (A&B), Sig Mosley (Imlay Investments) and Paul Pishal (HIG Ventures). Approximately 36 people attended, including some new faces. Suellen reported on the results of a survey form that was distributed at the event and completed by about half the attendees. The survey showed that the event included members as well as non-members, most of whom worked at private law firms and said they would likely attend a future event. The event was also videotaped, with the idea of including the video content on the Section website, if possible.

Annual Meeting Update Suellen Bergman reported that the plans for the Section Annual Meeting are complete. The meeting will be held June 27, 2006, at Maggiano's in Buckhead. The meeting is co-planned with the Licensing Executives Society, and Lisa Tansey, General Counsel of IP for Microsoft in Redmond, Washington will speak along with one or more representatives of Bellsouth on large company IP asset portfolio management. The program will be longer than usual, offering 2 hours of CLE credit. The Committee discussed pricing and settled on a \$35 price, including lunch and CLE credit. The Committee will explore some token of appreciation for Lisa Tansey, to recognize her commitment in coming all the way from Washington for this event. Suellen is exploring advertising the event to other Sections, as well.

Fall Meeting Update Robert Mercer reported that planning of the Fall Quarterly meeting is underway. The meeting will include a presentation regarding buying and selling distressed technology companies.

Marketing Committee Mike Vollmer reported on his conversation with Doug Isenberg, Chair of the Intellectual Property Law Section, regarding insights on how that Section services its members, including that Section's survey to its members. Mike and Chris Chan will continue to explore conversations with Section Chairs of other successful Sections to gain insight into how the Technology Law Section can better serve its membership.

Litigation Committee Larry Kunin officially joined the Executive Committee, as the new Chair of the Litigation Committee. Larry again raised the issue of the Litigation Committee's desire to have a designated, confirmed, quarterly meeting event to plan every year, preferably the Fall event. This year the Litigation Committee will plan the December event, and beginning in 2007, it will be given the Fall event.

Journal Update Bob Neufeld reported that the deadline for the Summer issue of the Journal is June 2, 2006, and there was discussion about the Summer Issue including an advertisement soliciting Executive Committee participation by those outside of Atlanta (by phone).

Podcast It was noted that the Intellectual Property Law Section has already aired a podcast. The Technology Law Section will continue to pursue making regular podcasts. Troutman Sanders has volunteered to provide the content for the first podcast, subject to acquiring the equipment necessary to produce the podcast. Chuck Ross is still in discussions with Steve Combs regarding technical issues.

Section Historian Suellen Bergman reported that the Section should seek to fill the Section Historian role vacated by Dawn Stephens. Bob Neufeld reiterated that long-held desire of current and past Journal editors that this position be maintained.

Members in Attendance The Executive Committee members in attendance were Suellen Bergman, John Hutchins, Ron Jackson, Erin Robinson, Larry Kunin, Mike Vollmer, Chuck Ross, Aaron Danzig, Mari Myer, Gaines Carter, Robert Mercer and Bob Neufeld.

Thanks for Hosting! The Executive Committee thanks the law firm of Troutman Sanders LLP for hosting the May 12, 2006 meeting.

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.



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By Dawn Stephens

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