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## Local Law Firm Launches High-Tech Division

Recognizing the emergence of technology industries in north Alabama, one of Birmingham's largest law firms has formed a division specializing in legal and business development strategies for high-tech companies.

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**Verna Gates**

So far, the new Technology Law Counselors division of Balch & Birmingham LLP has tackled "cybersquatters," worked to protect a non-invasive vaccine technology, financed a cyber publishing company, and helped the daughter of an Alzheimer's patient found a family DNA storage company.

Written by  
Verna Gates

"We're an interdisciplinary problem-solving group who realizes that sometimes you need to go beyond legal solutions. We do to help our clients grow and develop — from raising money to protecting intellectual properties to finding good management Leath, partner, Technology Law Counselors (TLC).

"Our clients don't want to be told 'no' — they want to be told 'how,'" says partner Lana Hawkins. "It is critical to the success of our clients that we expand our services in ways that promote their development."

The 25 attorneys who comprise Technology Law Counselors have created a new way of practicing law within the traditional law firm. As part of their innovative strategy, Leath and others recognized that Birmingham and Huntsville were in the eye of a technological tornado: everything in its path seemed to be affected.

Singling out firm lawyers in the firm who have technology backgrounds, a team of specialists was chosen to handle specific : venture capital fund raising, patents, mergers, acquisitions, and licensing.

"We saw Birmingham and Huntsville as areas on the verge of blossoming, but something was missing. There was a need for lawyers dedicated to technology companies," Leath says.

TLC is bridging the gap between attorney and business strategist, covering both aspects. We help high-technology companies with all facets of business and legal advice from seed financing to corporate partnerships, from technology transfer to antitrust, from intellectual property concerns to real estate. The group even founded a technology business incubator to give maximum aid to emerging technology companies.

"When Mercedes came to Alabama," he adds, "I crunched the numbers and figured out that it would be cheaper to grow our own than to recruit. I knocked on doors, raising the money and support needed to form Emerging Technology Partners," said Leath.

The division works with everyone from a scientist with an idea to powerhouses like Texaco to a mom-and-pop business making products.

Much of the focus is on developing technology companies with whom TLC can create a long-lasting relationship — from the initial start through taking the company public and beyond.

One problem TLC has identified is the ability of companies to sustain growth without being consumed in a merger or bought out. A public offering, a vital part of capitalization, is one method TLC uses to help in-state technology companies remain independent.

Hawkins, an Alabama native who is an expert in IPO strategies, joined TLC after years of practice in California's Silicon Valley. She says IPOs are a way of life.

"There has been a grow-to-sell strategy that we hope to change," she says. "We want to keep the talent at home with IPO's."

TLC members also have to keep abreast of new laws that are passed in reaction to technological breakthroughs. Legislators

control the Internet, for instance, keep changing the rules of doing business.

"The law is always reactive," Leath says. Everything moves at an extremely fast pace. That's why specialization is important five days a week, you can't keep up."

Who could have imagined a decade ago that companies would have to deal with "cybersquatting," a modern form of tradem:

"Cybersquatting" has evolved from the competition for Internet domain names, many of which were claimed in the 1990s by entrepreneurs who hoped to later sell the rights to a dot-com name and reap a huge reward.

In one case handled by TLC, the client owned a domain name that was being usurped by another company. Even though th considering changing domain names anyway, the company won a six-figure settlement from the cybersquatter.

Will Hill Tankersley, one of TLC's intellectual property specialists, is particularly interested in the Internet and its future.

"I don't think what is happening with the Internet is trendy; it is as important as the printing press," he says. "It's an amazing geography. People who live in isolated places only need a PC and a modem and the world is their oyster."

Balch & Bingham formed the high-tech division based on the belief that an important corridor of technology, linking Huntsville Birmingham, is in the formative state.

"This firm sees a tremendous future in technology," Hawkins says. "People don't usually come to Alabama for technology an But that is changing. You have to come and live here before you realize what a great place it is."

High technology is not the only focus; sometimes clients need problem-solving that is a low-tech approach — such as comm dedication to values. For one client, a simple plan for a company daycare blossomed into the formation of a community orga

"We used a creative-solution to provide Alabama Power employees and downtown citizenry with an early-childcare developr Leath says of one Balch & Bingham case that helped provide impetus for the formation of TLC. "What started out as an early learning center for downtown workers emerged as the Birmingham Urban Revitalization Project, a non-profit organization de revitalization of the greater Civil Rights District."

Creative solutions for Balch & Bingham have included tracking down creative art imposters. The firm represented the Andy v when rumors surfaced that someone in Birmingham had supplied a Chicago art show with fake Warhol paintings.

"The fake Warhols were surrendered to us," Tankersley says. "There are no phony Warhols floating around anymore."

Some clients have been as colorful as the pop-culture images painted by Warhol.

"I once represented a group of Chippendale's male dancers. The other attorneys kept asking me if I was getting paid in swee Tankersley says with a laugh.

The Technology Law Counselors division opened this year at the Birmingham office; the Huntsville division opened in June. both locations work with clients all along the developing corridor.

"Through our expertise, we can guide clients toward positive business strategies." Tankersley says. "We know the high-tech save the client the money they would spend on a learning curve. We're doing things in a way that is much better for the clier better service and money-saving efficiency."

**VERNA GATES** is a Birmingham-based writer.

