

# SO YOU WANT TO BE A TECHNOLOGY LAWYER?

**C**omputer law in general, and electronic commerce in particular, are very hot areas right now. The field is attracting the interest of new lawyers as well as lawyers who practice in other areas and are interested in a change. Indeed, if I had a nickel for every phone call I've received over the last few years asking for advice regarding how to break into the field, I'd have my villa in Spain. The intent of this article is to provide a guide for new and established practitioners seriously considering entry into technology law. A collateral purpose is to pre-empt some of those phone calls so that I can focus on what's really important, i.e., generating enough billable hours to actually buy a villa in Spain.

A commonly asked question is whether one must be a computer science expert in order to be a successful computer law or e-commerce practitioner. The short answer is no. However, a comprehensive understanding of the underlying technology can be helpful in a number of ways. First, a technology background allows the lawyer to talk to the client in his or her own language, which can provide a definite advantage in the marketing phase. Such knowledge also permits the lawyer to "get up to speed" quicker on a particular transaction, with significantly less time-consuming explanations required by the parties. Lastly, it also allows the lawyer to more fully review the effects of various provisions contained in the transactional documents and to consider whether other potential issues have not been addressed. A good understanding of the industry and structure of the typical transactions can be very important for many of the same reasons.

However, even the best understanding of the technology, the industry or the business deal will not be sufficient in itself to provide efficient and competent legal advice to technology clients. For instance, the most proficient computer user will not necessarily have an easily adaptable precedent for a particular transaction, be skilled at identifying the cutting-edge issues which are

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specific to the new transaction or experienced enough to efficiently and effectively negotiate based on an understanding of what industry norms are.

The competitiveness of the Internet industry has resulted in a high premium being placed on "speed to market". Business is now conducted in compressed "Internet time". Such clients expect a level of responsiveness and turnaround from their lawyers, which matches the speed of their own business dealings. This places an even greater premium on experience as there is no longer time to review checklists, consult with colleagues or put in some "thinking time".

How does one gain the necessary knowledge? A large component of the day-to-day work of a computer lawyer or e-commerce practitioner is spent drafting, advising on and negotiating contractual agreements. Those enrolled in law school (in an LL.B or LL.M program) should consider taking an advanced contracts law course, and if available, a course on negotiations. A good grasp of general corporate law and an understanding of securities law is also very helpful. If available, traditional intellectual property courses on topics such as copyright, patents and trade secrets law should also be considered. Lastly, a number of law schools now offer courses specifically on computer law and/or electronic commerce.

There is also no shortage of good options available outside of the formal law school curriculum. Law schools, bar associations and private conference organizers all offer CLE courses which range in length from two to four days. For example, this month Osgoode Hall Law School ran the highly successful second annual National Information Technology And Cyberspace Law conference (May 10-14).

Books are another good source of information. In

such services to technology companies. Visit the firm's web-site and read the bio on each lawyer listed in the technology law group. Ask around and conduct appropriate due diligence. Any firm with a large advertising budget can place ads and issue a press release promoting itself as a technology law expert, but that doesn't necessarily make it so.

Another option for getting some good experience is to work as legal counsel for a technology company or a com-

pany that provides services to technology companies. With respect to