

MSBA COMPUTER & TECHNOLOGY LAW SECTION
MINUTES — COUNCIL MEETING
MARCH 9, 2010

Katheryn Andresen – A
Miguel Azar (Chair) – P
James A. Blomquist – P
Bob Boerschel – A
Kevin S. Brady – P
Charles P. Brink – P
Stephen W. Buckingham – P
John J. Carney – P
James C. Evans (Vice Chair) – P
Paul W. Godfread – P
Christopher Hilberg – P
Michael Lawyer – A
Alycia R. Kirkevold – P
Patrick Middon – A

Jamie Nafziger – P
Allen J. Oh (Secretary) – P
Damien Riehl (Immed. Past Chair) – P
Carolyn M. Sandberg – Phone
Todd Schenk (Treasurer) -- P
Thomas R. Sheran – P
John Taft – P
Steven Burt Toeniskoetter – P
Daniel A. Tysver – P
Kari Wangenstein – Phone
Heather Yunke – Phone

P= Present A= Absent w/o excuse E=Absent w/excuse

ALSO ATTENDING: Sean Harrington, Charles Johnson, Paul Luehr, Michael Luzum, Chuck Steffel, R. Waedekin (law student)

I. Call to Order: 11:40am

II. Approval of Meeting Minutes: Allen Oh. Minutes approved.

III. Treasurer's Report: Todd Schenk. During January 2010, we received \$25 of revenues and incurred \$182 of expenses, excluding catering. The ending balance was \$7153.93 as of January 31, 2010, compared with about \$9400 on January 31, 2009. Todd noted that we have lower dues revenue and will look at spending compared with past years. Todd also stated that some of the expenses are due to the MSBA administrative fee of \$6 per member, which amounts to about \$1000 YTD. The Section has also had increased catering expenses. Todd noted that the Section is deficit spending. Miguel stated that we are down about 15% in membership compared with last year, which is on par with other sections.

IV. Preliminary Matters: Miguel Azar.

- a. Law School Outreach -- Todd Schenk. Todd has started planning Law Student Outreach and remembered that we had a good turnout at William Mitchell, likely due to food. It was also noted that the Section provided food at St. Thomas and Hamline. Todd moved to allocate \$50 for each of 4 law school visit for food. During the discussion, Miguel opined that \$50 is a little low. Kevin Brady moved for \$75 per meeting, for a total of \$300. Motion passed unanimously. Tram will handle processing.
- b. Election Committee formation -- Chip Brink. The Committee invites expressions of interest, as well as nominations of others who aren't currently on the council. Diversity is desirable. The deadline for expressions of interest and nominations is March 26.
- c. Web page comments – Damien Riehl and Kevin Brady. Damien noted that the Section's website is graphical and harder to search. The Committee is meeting at 1:15pm with Tram.

V. Assignment of CLEs and Round Tables.

- a. Case Law: Jim Blomquist. A recent federal court decision in MN involved forum selection clauses. 8th Cir. distinguishes between permissive and mandatory forum selection clauses. In another decision (*Anytime Fitness v. Family Fitness*), decided in January, a court held that while a covenant not to compete was clearly violated, there was no irreparable harm and denied relief. Today's news: rescue.com has dropped suit against Google, likely because they're being sued by Best Buy and their defense in that case would be inconsistent with suing Google.
- b. Membership/Student Outreach: Todd Schenk. No further updates.
- c. Patent: Chris Hilberg & Dan Tysver. Would try to present when *Bilski* came out, but we're running out of time. Not a lot to talk about besides updates. The Committee envisions a substantial discussion when *Bilski* comes out.
- d. Privacy & Data Security: Kari Wangensteen (attending by phone) Paul Luehr: There are many of developments. The Committee will present next month.
- e. Legislative: Allen Oh. Reported on HR 2221 (Data Accountability and Trust Act) and HR 1319 (Informed P2P User Act).
- f. Contracts: Miguel Azar. No report.

VI. Other Events.

- a. 2010 CLI: Chris Evans. No report, but will follow up with Liz to make sure meeting is scheduled for April.

- b. 2010 Annual Meeting: Chris Evans. We are booked at the Nicollet Island Inn and have approved food order.
 - c. Section Blog: Kevin Brady. The Committee invites contributors.
 - d. Nominations/Bylaws: Chip Brink. Nothing further, see above.
- VII. **Writing Contest Scholarship.** Damien Riehl. No update.
- VIII. **Scheduling of next meeting:** April 13, 2010.
- IX. **LPRB 22 Discussion and Vote.** LPRB Opinions Committee largely agrees with us and believes that one section should be deleted (about obligations of receiving attorneys). Several Section members offered their thoughts on the proposed opinion and the Section's proposed comment on the proposed opinion. After substantial discussion and some proposed reorganization and amendment of the proposed comment (noted in the attached redlined copy of the comment), it was moved to approve the comment as amended. The motion passed unanimously by 19 voting members of council.
- X. **Adjourn: 12:50pm.**