

Practice Areas

Labor and Employment

Affirmative Action Plans and OFCCP Compliance
EEOC/Agency Class Investigation and Litigation
Defense
Discrimination Defense
Trials and Arbitrations
FLSA/Wage-and-Hour Defense
Corporate Immigration Law
California Employment Law
Executive Agreements and Severance
Labor Management Relations
Leave of Absence and Disability Advice/Defense
Non-Compete and Trade Secret Litigation
Pay Equity Advice and Defense
Pre-Hire Testing and Background Check Advice/Defense
Preventive Employment Counseling
Reductions in Force
Whistleblower/False Claims Act Defense
Workplace Investigations
Industry Focus: Health Care
Industry Focus: Manufacturing
Industry Focus: Restaurants
Industry Focus: Retail
Industry Focus: Tech
Industry Focus: Higher Education

Technology-based businesses run the gamut from tech startups to multinational corporations. At Nilan Johnson Lewis, we understand the specialized needs of technology-based businesses, such as acquiring highly-skilled employees, protecting intellectual property, protecting information security, and conducting e-commerce. We provide legal services in each of these areas to meet the individualized needs of each client, regardless of size or development stage. We also have the expertise to gain a deep understanding of complex client businesses, and we constantly improve the quality and efficiency of our legal services through reliance on technology, just like our tech clients do. Our practice expertise in the tech industry include:

- Non-compete agreements
- Immigration
- Intellectual property and trade secret agreements
- Information security and privacy
- E-Commerce

Non-Compete Agreements

One significant challenge for technology businesses is the strong competition for top talent. Our team has deep expertise in advising employers as they navigate non-competition agreements, both in hiring employees subject to such agreements and prosecuting claims involving former employees. Our preventative services include:

- Auditing existing restrictive covenant practices and designing new restrictive covenant programs, assessing business needs to protect intellectual property and human capital, evaluating the benefits of enforcing restrictive covenants, and minimize risks with practical preventive advice.
- Advising clients seeking to hire employees with restrictive covenant obligations by analyzing contractual duties, maximizing defenses, negotiating with former employers.

When litigation is unavoidable, we are highly skilled and experienced in bringing and defending claims associated with restrictive covenants. We are adept at seeking and obtaining emergency relief on behalf of our clients, and our considerable experience in this area allows us to resolve matters expeditiously, efficiently, and decisively. We have particular expertise in mining electronic and forensic data to develop evidence of wrongdoing and ensuring litigation occurs in venues most favorable to our clients' interests. We are willing to engage in aggressive litigation, but also know that these kinds of disputes often lend themselves to creative business solutions.

Immigration

Another common concern for companies in the tech space is the need to hire top talent from other parts of the world. The immigration services we provide to technology companies include:

- Obtaining H-1B temporary work visas for professionals working in specialty occupations, including extensions of H-1B visas beyond the

six-year durational limit under the American Competitiveness in the Twenty-First Century Act of October 2000 (AC21).

- Obtaining permanent labor certification for professional positions in technology businesses, including software engineers and developers, infrastructure engineers, e-commerce engineers, web engineers, data scientists, and information technology managers.
- Adjusting status portability for those who wish to switch employers in the same or similar position.
- I-9 compliance services.

Our corporate immigration team's expertise enables technology companies to quickly hire and retain professionals and managers who can ensure that infrastructure is operating efficiently, implement new projects, promote and expand e-commerce businesses, and comply with complex data privacy regulations.

Intellectual Property and Trade Secrets

Nilan Johnson Lewis' integrated intellectual property practice helps tech companies develop, acquire, and protect their "soft" IP portfolios, including trade secret, copyright and trademark. Our Corporate and Transactional attorneys handle complex transactions associated with IP, such as licenses, assignments, and development agreements. Our litigators implement cost-effective protection and enforcement strategies to safeguard our clients' intellectual property rights, including trademark, trade dress, and copyright infringement claims.

Information Security and Privacy

Data breach is an almost daily occurrence and a significant risk for technology companies. Our lawyers are highly skilled at working with clients to prevent breach, and responding when it occurs, including assessment, damage control, and notification steps. We also work with information security, IT departments and independent investigators to ensure the protection of privileged information and preservation of forensic evidence, and with law enforcement, insurers, and media representatives to ensure that our clients' response to a breach is timely and appropriate.

E-Commerce

Many of our technology clients engage in e-commerce. Even the simplest online commercial transactions require a deep understanding of credit card processing rules, compliance with state and federal regulations, nuances of technology related to e-commerce sites and shopping carts, consent approaches to terms, shipping and delivery considerations, and ? most importantly to our clients ? protection of business interests. We capably advise, draft, and manage a myriad of agreements and transactions related to e-commerce, such as credit card processor agreements, website terms and conditions, and security assessments.