



A Center for Law, Technology, and
Entrepreneurship at the University of Colorado

February 2008 Newsletter

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Quick Links

Silicon Flatirons Website:
<http://www.silicon-flatirons.org>

Neutrality Law:
<http://neutralitylaw.com/>

Email: sf@colorado.edu

Silicon Flatirons Fellow Opening

Silicon Flatirons is seeking an individual to work as a Research Associate addressing the need to reform our system of software patents. For more information please contact Jill.vanMatre@colorado.edu

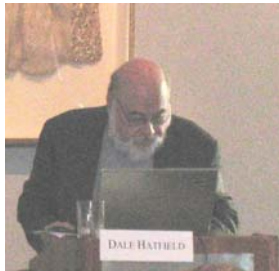


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Public Safety, New Technologies, and the Future of Emergency Response Conference Review- November 28

On November 28, 2007, Silicon Flatirons and the University of Colorado at Denver's School of Public Affairs co-hosted a conference on *Public Safety, New Technologies, and the Future of Emergency Response*. The conference was an overwhelming success, with a remarkable number of attendees from Denver, Boulder, and across the country. Attendees included students from the School of Public Affairs, as well as from CU-Boulder's law school and Interdisciplinary Telecommunications Program. The students did an excellent job of adding to the discussion with helpful questions and comments, and were able to continue discussions with panelists (including leaders in government, the public safety community, and industry) during the reception following the conference. Overall, the conference was an overwhelming success. According to Morgan O'Brien, Chairman of Cyren Call Communications, "The conference built on the important work of Phil Weiser and Dale Hatfield in developing important new policy frameworks on which the FCC has based its policy going forward." [Click here for more articles on public safety.](#)



Dale Hatfield

The conference began with a welcome and overview of issues by Kathleen Beatty, the Dean of the School of Public Affairs, and Phil Weiser, Executive Director of Silicon Flatirons. Weiser introduced [Dale Hatfield](#), who he referred to as the "killer application" of Silicon Flatirons. Hatfield is an adjunct professor at the CU, and the former Chief Engineer at the Federal Communications Commission. His contributions to Silicon Flatirons, and the public safety community in general are immeasurable. Hatfield offered a tutorial on public safety's use of communications technology, highlighting how it lagged behind its corporate counterparts in using cutting edge information and communications technology.

After this helpful background on the underlying technology issues, Moderator Phil Weiser introduced the first panel, *Opportunities for Interoperability and a Next Generation Network*. He asked panelists to consider the barriers to interoperability, and why the legacy problem has been so difficult to resolve. On the interoperability front, Morgan O'Brien, Chairman of Cyren Call Communications and founder of Nextel, began by discussing the assignment of licenses to discrete units of government with multiple systems, and the natural preference of different groups for different technologies.

Nancy Jesuale, President of NetCity, Inc., added that we are in no position to scrap much of the technology in the current public safety communications systems. Chris Guttman-McCabe, the Vice President of CTIA—The Wireless Association, added that it is often difficult to get personnel and other resources focused on something like interoperability, when they don't see it as a problem. Stephen Meer, the Chief Technology Officer of Intrado, reminded us that our current situation is the result of a complicated past. He noted that the impetus for trunked radio systems was conservation of bandwidth, rather than interoperability, and that we would start from a different place if we were beginning from scratch today.



First Panel, from the left: Morgan O'Brien, Stephen Meer, Nancy Jesuale, Chris Guttman-McCabe, Phil Weiser

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Second Panel, from the left: Kathleen O'Brien Ham, Jeff Robertson, Brad Bernthal, Ray Gifford, Phil Weiser

The second panel, *Upgrading Our E-911 Infrastructure*, began on a positive note, with Kathleen O'Brien Ham, the Managing Director of Federal Regulatory Affairs for T-Mobile, noting that the United States is "eons" ahead of Europe in terms of E-911 infrastructure, and that a lot of great work has already happened as the result of cooperation between the public safety community and industry. Jeff Robertson, Executive Director of the 911 Industry Alliance, said that another positive aspect of the current situation is that everyone is now in agreement that we need to improve the public safety network. Ray Gifford, a partner with Kamlet,

Shepherd & Reichert, and former Chairman of the Colorado Public Utilities Commission, noted that it is important to think of which factors prohibit public safety from taking part in the dynamism of other markets. In particular, Gifford noted that there is a public goods problem, with no private entity having adequate and complete resources to internalize positive externalities. Gifford also added that there is a public choice problem, with beneficiaries of the current system protecting (and working to prevent others from getting) what they already have. Weiser added a third factor: the lack of public understanding. Brad Bernthal, a clinical professor at Colorado Law, outlined a path to a better system, calling for a commitment to matching reality with citizen expectations, increased attention on a next generation architecture, and a straightforward, unified, and concerted message to policymakers.



Third Panel, from the left: Charles Werner, Paul Teske, William Pessemier, Mike Locatis, Phil Weiser

The third and final panel was *Overcoming the Culture of Silos and Facilitating Intergovernmental Cooperation*. This panel began with a look into the "people problem" of public safety communications. Phil Weiser asked panelists to consider how to change entrenched mindsets to achieve interoperability. Charles Werner, a member of the SAFECOM Executive Committee, the IAFC Communications Committee, and the National Public Safety Telecommunications Council, noted that we are already starting to see changing mindsets. He also noted that education can change the way people approach

problems. For example, Werner pointed to success from having a group of fire fighters and police officers sit down together to think of times when they would need to interoperate. Paul Teske, a Professor of Public Affairs, noted that we need a combination of incentives so that the people involved actually want to change. William Pessemier, Executive Communications Systems Advisor for the International Association of Fire Chiefs, and former Incident Commander for Columbine High School, said that people issues are most troublesome when they interfere with the optimal use of technology. Mike Locatis, the Chief Information Officer for the State of Colorado, helped to put the issue in perspective by pointing to areas of success.

The conference concluded with a closing address by John Kneuer, former NTIA Administrator and Assistant Secretary of the Department of Commerce. Kneuer, pictured right, addressed problems of institutional inertia and underscored the challenges in implementing fundamental changes in this area.





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The Silicon Flatirons Roundtable Series on Entrepreneurship, Innovation and Public Policy

The Entrepreneurial University: What the University of Colorado has to learn from MIT and Stanford.

Discussion held on October 2, 2007

Kaleb A. Sieh, Rapporteur

As part of its strategic planning process, the University of Colorado at Boulder has begun exploring how to increase the propensity of faculty and students to engage in entrepreneurial activities. Nationwide, there are a few universities with a commitment to supporting entrepreneurship that can serve as examples. Notably, MIT and Stanford are two schools renowned for using the knowledge creation and invention that takes place on their campuses to create high quality companies. In contrast, many schools do not achieve such results, even with similar characteristics. This disparity raises the two questions addressed by the roundtable: (1) what separates a university that engages in this process effectively—i.e., the “Entrepreneurial University”—from the university that does not?; and (2) how can the University of Colorado-Boulder become an Entrepreneurial University?

On Tuesday, October 2nd, 2007, the Silicon Flatirons Program held a roundtable discussion on the Entrepreneurial University, focusing on whether the University of Colorado should do more to encourage entrepreneurship in its faculty and students, and if so, what should be done. The roundtable was held at the University of Colorado Law School and was moderated by Silicon Flatirons’ founder and Professor of Law, Philip J. Weiser. The roundtable included many of the leading individuals in the Front Range entrepreneurial community, notably Jim Crowe, CEO of Level 3, as well as University leadership, with CU-Boulder Chancellor G.P. “Bud” Peterson and Provost Philip DiStefano in attendance. (A list of roundtable attendees is set forth in Appendix A.)



Jim Crowe, CEO
of Level 3

The roundtable highlighted a number of the institutional and academic barriers at CU, as compared to other highly successful entrepreneurial universities, and specifically highlighted the need for clarity, at all levels, concerning what place entrepreneurship should hold, both within the campus itself and in the University’s Flagship 2030 strategic plan. To prepare for the discussion, participants were asked to look at the examples of MIT and Stanford, specifically in the context of their support of entrepreneurship, and to make comparisons to CU-Boulder.

Link to the full report:

<http://www.silicon-flatirons.org/documents/publications/report/SiehEntrepreneurialUniversity.pdf>

Brad Feld’s blog on Silicon Flatirons Roundtables:

http://www.feld.com/blog/archives/2007/11/silicon_flatiro_1.html

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Journal on Telecommunications and High Technology Law Turns Seven and Launches NeutralityLaw.com

Seven years ago, a group of University of Colorado School of Law students working with Silicon Flatirons Executive Director and University of Colorado Law Professor Phil Weiser launched the [Journal on Telecommunications & High Technology Law](#) (“the JTHTL” or “the Journal”). By 2006, the Berkeley Electronic Press had concluded that the JTHTL ranks fifth among journals publishing articles on intellectual property and technology law. Today, the JTHTL stands at the forefront of many critical debates affecting technology policy, including most notably the debate surrounding network neutrality.

The rapid ascendance of the JTHTL can be attributed to the Journal’s interdisciplinary articles written by prominent scholars and industry leaders. Past and present authors include former Federal Communications Commission Chairman Michael K. Powell, Columbia law professor Tim Wu, N.Y.U. Economist Michael Katz and Robert Kahn, who, along with Vint Cerf, invented the Internet.

Most of the JTHTL’s articles arise from work presented at the Silicon Flatirons Digital Broadband Migration conference held at the University of Colorado each February. Over the past five years, this annual conference has particularly nurtured the evolving network neutrality debate. Columbia Professor Tim Wu’s influential paper, *Network Neutrality, Broadband Discrimination*, was originally presented at the 2003 conference. Many important articles and conference presentations have followed. Last year, the JTHTL’s Editor-in-Chief Micah Schwalb decided it was time to make this critical discourse on network neutrality available all in one place, including videos of the conferences and the resulting scholarship. As a result, he launched the website [Neutralitylaw.com](#). The JTHTL continues to update and to expand the Neutralitylaw.com website as the network neutrality debate evolves through the Journal’s articles and the Digital Broadband Migration and other Silicon Flatirons conferences.

The JTHTL is always pleased to accept submissions of scholarly articles, position papers, presentations, and other material for publication from professors, attorneys, government officials, industry participants, and other individuals active in the field of telecommunications and technology law and policy. Please send softcopy manuscripts to the attention of the JTHTL Articles Editors at jthtl@colorado.edu in Word or PDF formats. The JTHTL will also accept submissions via [ExpressO](#), an electronic submission service run by the Berkeley Electronic Press.

Your financial support of the JTHTL is also critical. The Journal relies on paid subscriptions to keep itself going. Subscriptions per volume are available for \$45.00; we publish two issues per volume. Please direct subscription requests to: JTHTL Managing Editor, Campus Box 401, Boulder, CO 80309-401.

For more information about the JTHTL, please e-mail the Editor-in-Chief at jthtl@colorado.edu or call 303-492-0913.

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Governor Ritter Launches New Innovation Council

THURSDAY, OCTOBER 11, 2007

PRESS RELEASE



Governor Ritter established the state's first Innovation Council, bringing together 34 leaders from around Colorado. The Council is composed of experts from large, small, urban and rural technology businesses, as well as leaders in the venture capital, government, academic and nonprofit sectors. The council will have three primary subcommittees that will:

- Assist the state as it reforms and improve its use of information technology;
- Develop a strategy for spurring broadband deployment throughout the state, and;
- Support state government's economic development efforts for the technology sector.

The council will be co-chaired by venture capitalist Brad Feld, managing director of the Foundry Group; entrepreneur Juan Rodriguez, who founded StorageTek and Exabyte; and national telecommunications policy expert Phil Weiser, who teaches law and telecommunications at the University of Colorado at Boulder and is executive director of the Silicon Flatirons Program.

In addition to Feld, Rodriguez and Weiser, three other tech-industry leaders also will serve on the Council's executive committee: Cathy Fogler of Charter Communications; Su Hawk, president of CSIA; and Lee Kennedy, founder of TriCalyx.

"Our state must develop a robust and ubiquitous broadband infrastructure to support an array of applications that will transform how the people of Colorado work, learn and play," Weiser said. "Deploying broadband to unserved areas of Colorado is a make-or-break issue for the state. We cannot afford to leave Colorado citizens or businesses behind as other states and countries adopt broadband connections and applications that catapult them ahead in the 21st Century economy."

"Technology infrastructure is key for rural Colorado and will affect how we provide education, health care and business opportunities for decades to come," said Council member Audrey Danner, executive director of the Yampa Valley Partners in northwest Colorado. "I am honored Gov. Ritter has invited me to join a group that offers such a broad range of statewide expertise to tackle one of the most important economic-development opportunities facing rural Colorado."

The Innovation Council is expected to hold its first meeting this fall, with periodic recommendations submitted to Gov. Ritter beginning in 2008.

Link to the full press release:

<http://www.colorado.gov/cs/Satellite?c=Page&cid=1192091651316&pagename=GovRitter%2FGOVRLayout>

Brad Feld's Blog on the Innovation Council:

http://www.feld.com/blog/archives/2007/10/colorado_innova.html

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New Technology Meetups



Compliments of Robert Reich

November, December, and January Review By: Django Andrews

The Denver/Boulder New Technology Meetup (<http://newtech.meetup.com/27>) is a venue for technologists to showcase their latest hardware, software and business ventures. The Meetup begins with announcements of available positions, positions wanted and general announcements by the audience and the host, Robert Reich (founder of the Boulder startup Me.dium, www.me.dium.com). The Meetup consists of five minute presentations followed by five minutes of Q&A per presenter. The group meets the first Tuesday of every month in the Wittemeyer Courtroom on the first floor of the Wolf Law Building on the University of Colorado-Boulder campus. A reception begins at 6:00 with presentations beginning at 6:30. Ample time is available after the presentations for individual discussion and networking.

The November 2007 Meetup featured presentations by Friedrich Schweitzer of Txtbus.net, a team from Chess Inc. of Denver and a team from Adaptive Blue. Mr. Schweitzer presented his technology which allows users to receive mass transit arrival and departure information via text message. The audience was appreciative of Mr. Schweitzer's flying experience which resulted in multiple cease-and-desist letters from RTD. More information is available at www.txtbus.net. The team from Chess Inc. (www.chessinc.com) presented their expansion from the computer and printer hardware business into the data recovery business. The group claims that their recovery system can reduce data retrieval times from as long as three days to as short as one hour. The team from Adaptive Blue (www.adaptiveblue.com) introduced their smart browsing technology to the Meetup audience. The technology uses semantics and user input to create a smarter and better web browsing experience.

At the December 2007 Meetup several groups presented including Ari Newman of filtrbox and Alek Komarnitsky. Mr. Newman introduced his content aggregation website (www.filtrbox.com) which retrieves content based upon user-defined search parameters. The technology then aggregates the search contents into links available to the user. The technology is useful for people who want to be kept up to date of current events in a certain industry without having to select specific news sources. Mr. Komarnitsky showcased his Christmas light display which can be controlled by remote users via his website (www.komar.org/christmas). Mr. Komarnitsky maintains the site mostly for fun, but also uses it to draw attention to Celiac disease. The University of Maryland Center for Celiac Research has received over \$25,000 in donations to thanks to traffic from Mr. Komarnitsky's site.

The January 2008 Meetup was well attended and featured presentations by Michael Locatis, CIO for the State of Colorado, Camberley Bates of Bates Strategy Group, and Dan Moore of Moore Consulting. Mr. Locatis gave an introduction to Governor Ritter's Innovation Council (www.colorado.gov/oit) which seeks to promote innovation in Colorado's technology sector, government, and academic institutions. Mr. Locatis mentioned that an Innovation Roadmap was being produced for the State of Colorado and that he would return to the Meetup to present the roadmap in about three months. Ms Bates drew on her experience as a principal at Bates Strategy Group (www.batesstrategygroup.com) to discuss the principles of messaging and positioning for technology entrepreneurs. Her presentation was well-received and she may return at a later



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Meetup to discuss related topics. Mr. Moore of Moore Consulting (www.mooreds.com/about.shtml) gave a presentation on his experience using the Google Web Toolkit and compared it to his experience using other similar tools.

New technology presentations were made by Eric Olden of Symplified, Oz DiGennaro of Galgal Systems, Randy Cox of Webpartner.com, and a Group from eswarm.com. Mr. Olden introduced Symplified (www.symplified.com) which offers identity management services. Mr. DiGennaro of Galgal Systems (www.galgalsystems.com) presented his work on developing tools for the semantic web. Mr. Cox of Webpartner.com (www.webpartner.com) introduced technology which aggregates content from user-designated websites. Finally, the group from eSwarm (www.eswarm.com) introduced their purchasing power aggregation website which coordinates individual purchases into bulk orders.

Entrepreneurs Unplugged

Silicon Flatirons in Spring 2008 will launch Entrepreneurs Unplugged, an initiative which provides a meeting place for faculty, students and community members with technical backgrounds to get involved in entrepreneurship. Each monthly Entrepreneur's Unplugged meeting will feature food, drink and – most importantly – an experienced entrepreneur to discuss his/her start-up experiences. Information will be elicited in a question and answer format through questions from members of the Boulder entrepreneurial community. If you are interested in participating in this venture in any form, please contact Anna Noschese at anna.noschese@colorado.edu.

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The Software Regulation Clearing House

The Software Regulation Clearing House (SRCH) is an initiative designed to track the governmental regulation of software development. It was made possible by a grant from the [Ewing Marion Kauffman Foundation](#). The SRCH collects in one place information about statutes, administrative regulations, and case law--Federal, State, and, to a lesser extent, Foreign--that either mandate or prohibit particular features or functionality in software. Some examples include the Digital Millennium Copyright Act (DMCA), the Communications Assistance for Law Enforcement Act (CALEA), Broadcast Flag, and proposed Spyware legislation.

This project is at the intersection of education, scholarship, and entrepreneurship, and takes an academic approach to tracking the type and extent of software regulation. Silicon Flatirons' [Paul Ohm](#), a professor of Criminal Procedure, Intellectual Property, and Computer Crime Law, initially conceived of the SRCH, and worked with other Silicon Flatirons faculty to make it a reality. After receiving the prestigious Kauffman Foundation grant, Ohm formed an Advisory Board, which includes computer programmers, individuals from the Denver/Boulder entrepreneurial community, and academics from Colorado's Computer Science department and Interdisciplinary Telecommunications Program. With Ohm's leadership, and input from the Advisory Board, this important initiative has unfolded in two key phases.

The Alpha Phase spanned from June to December 2006. It emphasized substantive collection of information and software regulation. With the help of student assistants in the law school, more than 450 software regulations have been collected, analyzed, and included in a database. These regulations are found in 92 separate laws written at both the state and federal levels and written by both legislatures and regulatory agencies. The Alpha Phase also involved the initial design and testing of an SRCH website.

The SRCH is now in its Beta Phase. Students continue to add regulations, while also collecting Analysis Memos. These memos are, in essence, scholarly writing illuminating some of the important aspects of the laws and regulations included in the SRCH. Some of the memos are harvested from other sources, while others are written by CU Law students, and reviewed by Silicon Flatirons Professors.

The other key component of the Beta Phase involves selecting a final design for the website. The website is currently being tested by members of the faculty, students, and programmers across the country. Silicon Flatirons is proud to announce that the final SRCH site will be rolled out later this semester.

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Institute for Regulatory Law and Economics

Silicon Flatirons is now the proud sponsor of the Institute for Regulatory Law & Economics (IRLE) as a means of supporting thoughtful regulatory decision-making. In particular, the IRLE hosts an annual seminar for state public utility commissioners and staff as well as engages in state outreach activities. In so doing, it works with two related Silicon Flatirons initiatives—the Glushko Samuelson Technology Policy Law Clinic and the Dale Hatfield Scholars and Research Program.

Purpose

Each May, the IRLE hosts a seminar geared towards educating state regulators about economic analysis of regulatory policy issues. Notably, the Institute distills the critical law and economics issues that arise in closely-regulated network industries and presents them in a coherent fashion.

To present its curriculum, the IRLE draws on the expertise of leading academics, practitioners, and scholars. In short, the IRLE teaches regulators how to appreciate insights that emerge from important economic principles and concepts as well as how to apply them to regulatory situations in network industries. In particular, the IRLE highlights the important tools provided by neoclassical economics, transaction cost economics, new institutional economics, "code as law," and public choice theory. To do so, it features an academically rigorous and demanding curriculum—imparted over the course of long class days and evening sessions.

Annual Seminar

Each May, the IRLE holds a four-day intensive seminar at the Aspen Meadows conference center of the Aspen Institute. To foster discussion and cohesion, attendance is limited to approximately fifteen to twenty attendees. This year's program will be held May 17th - May 21st, 2008 and applications must be completed by January 31, 2008.

Classes are both lecture and seminar-style. Questioning and discussion are encouraged. Indeed, participants in the seminar will be required to lead certain class sessions and the best parts of the program often result from less formal discussions that hone and apply the relevant concepts. To inspire such discussions, presentations on economic theory are generally followed by discussions of real world applications and hypotheticals.

One highlight of the curriculum is the use of the experimental economics demonstrations. In particular, the experiments put the attendees in the roles of market actors, making output, pricing and quality decisions within varying regulatory and market parameters.

To facilitate an informal exchange of ideas, the academic program is supplemented both by receptions and common meals where faculty members will be present and available to continue the educational process and experience.

Academic Advisors and Faculty

Click [here](#) for information on IRLE academic advisors and faculty.

Application

Click [here](#) for information on applying for IRLE.

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Silicon Flatirons Law Clinics

Two clinical offerings under the Silicon Flatirons umbrella - the Entrepreneurial Law Clinic and the Glushko-Samuelson Technology Policy Law Clinic - provide unique opportunities for Colorado Law students to engage in transactional and policy issues. Clinics are where law school theory meets practice: students gain valuable, real-world experience handling actual clients and legal matters under a professor's supervision and guidance. In our Entrepreneurial Law Clinic, students work with local start-ups to provide transactional legal help for the formation and development of their businesses. Meanwhile, in the Technology Policy Law Clinic, students advocate in the public interest concerning technology issues in front of regulatory entities, courts, legislatures, and standard setting bodies. Each of these clinics plays a pivotal role in providing practical experience to students while serving Silicon Flatirons' larger values of civic engagement and social responsibility.

Entrepreneurial Law Clinic

New businesses entail uncertainty and risk for cash-strapped entrepreneurs; yet, when such undertakings succeed, they often drive innovation, create jobs, and create positive spill-over effects in the surrounding community. The University of Colorado Entrepreneurial Law Clinic ("ELC") supports entrepreneurs' efforts with free transactional legal services for start-ups in the Front Range area. The ELC supports and trains students for the demands of entrepreneurial - and, more generally, transactional - legal practice, providing entrepreneurs with much needed legal assistance while giving CU law students a hands-on opportunity to make a difference. Typical legal work includes assistance with entity selection, incorporation, contract drafting (such as employment or licensing agreements), and intellectual property protection strategies. ELC students are supervised by Associate Clinical Professor [Brad Bernthal](#) and volunteer attorneys of the Boulder office of Hogan & Hartson LLP. More information and applications for assistance are available at the [ELC's web-page](#).



Brad Bernthal

Glushko-Samuelson Technology Policy Law Clinic

Broadband and wireless technologies have ushered in an information revolution with disruptive economic, political, and cultural implications. What is often underappreciated, however, is the profound role that policy-makers perform in promoting or (sometimes) frustrating technological innovation, competition, and the communications architecture of tomorrow. The University of Colorado Technology Law and Policy Clinic ("TLPC") utilizes lawyering tools to advocate for sound technology policy which promotes the public interest. Led by Associate Clinical Professor Brad Bernthal, the TLPC contributes objective analysis and raises awareness concerning perspectives that should be on policy-makers' agendas but has escaped proper attention or consideration. The TLPC benefits from a donation by Pam Samuelson and Robert Glushko, as well as support from Patton Boggs LLP. Glushko and Samuelson's donation enabled Colorado Law to become the third school to host a technology policy clinic in their name, joining American University in Washington, DC, and Boalt Hall (UC-Berkeley). More information is available at the [TLPC's web-page](#).

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