



San Antonio attorney surfing cutting edge of Internet law

BY CATHERINE DOMINGUEZ

As the world becomes more reliant on the Internet, understanding the laws that regulate it has become increasingly difficult.

Although there are numerous regulations for the Internet, many are vague and outdated, which can create legal headaches for those whose business depends on staying connected. For Bart Huffman, those issues have helped him carve out a new path in his law career.

Huffman, an attorney with San Antonio-based Cox Smith Matthews Inc., has honed his legal skills in the Net age and is helping dozens of companies make sure their Web sites stay compliant with federal regulations.

Technology is an area that Huffman says has been an interest for him throughout his career.

"I had sort of a natural inclination to do technology-related matters or be involved with the technology aspects of litigation back in the day," he says. "When we had million-page document cases, I would have been the guy handling the data base."

Today, Huffman's client list includes many well-known companies in the San Antonio area, including Rackspace Managed Hosting, Clear Channel Communications and MyToons.com.

He adds that working with different types of technology based companies has helped him forge his career in Internet law. "I think (I have been) fortunate by having a wide variety of clients," Huffman says. "You learn by experience."

Finding a niche

Huffman, a native Texan, earned his law degree from The University of Texas School of Law in 1994. He is licensed to practice law in both the state and federal courts of Texas and California as well as the state of New York.

Huffman says he has worked with several large firms and says that experience has helped steer him toward a career in Internet law.



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Bart Huffman, an attorney with locally based Cox Smith Matthews Inc., has built a practice niche as the Internet geek of the legal arena.

"I worked for a couple of national firms before I came back to San Antonio, so I got work on some interesting cases with some good lawyers," Huffman says. "I have had a varied background but ended up getting channeled into more Internet-specific work."

He adds that Internet law is a growing field and an area that many companies now have to be more cognizant about, in areas such as basic privacy agreements.

"Everybody has a Web site, and there are Web-site agreements, privacy policies and issues associated with (those sites)," he explains.

San Antonio has a growing technology sector, and Huffman says there are many local companies that take their Internet business seriously. He says he enjoys helping to ensure their compliance with state and federal regulations.

"I do a lot of work with Rackspace. They have a lot of data and have issues that might come up with privacy," he says. "If someone requests the data, (Rackspace is) going to make sure they are entitled to it. Rackspace is a cutting-edge, top-tier hosting provider, so there are a lot of unique issues they deal with."

Alan Schoenbaum, general counsel for Rackspace, says Huffman is a valuable resource for his company. He says Huffman began working with his company about five years ago.

"He provides wisdom and action for us," he says. "We rely heavily on him for some very special issues that we deal with quite frequently, so we think the world of him."

Schoenbaum says the two areas in which Huffman provides Rackspace assistance are subpoena compliance and basic Internet regulatory issues. He says

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HUFFMAN: Cox Smith Matthews attorney has developed rep as Internet go-to guy

because Rackspace is in the data-storage business, the company often receives subpoenas in relation to its customers' data stored on the company's servers.

Rackspace provides Web infrastructure and managed services to large and small businesses. Its eight data centers worldwide serve more than 15,000 customers.

"We house the Internet infrastructure for our customers, and if they are involved in litigation, then we get subpoenaed," he says. "He (Huffman) handles all that for us."

Schoenbaum says there are very few attorneys who have the training and experience in Internet law. He adds that San Antonio is lucky to have a resource like Huffman.

"It's tough to find a lawyer to provide meaningful information on these topics," Schoenbaum says. "Bart does."

Hot buttons

Over the past several years, Huffman says there are several areas that have become hot topics within the Internet industry. They range from privacy issues to trademark policies to protecting children from entering sites not appropriate for them.

Many companies today have Web sites where consumers can purchase products or services. Many of those companies, he adds, have e-mail subscriptions to alert consumers to discounts and sales. Huffman says that is an area that requires companies to ensure they are compliant with procedures that regulate large e-mail blasts -- to avoid triggering rules that cover spam.

"The really interesting things these days are privacy -- everybody wants to know how to handle data," he says. "I have a number of clients that are merchants and have merchant sites, and they want to make sure their e-mail subscription lists are compliant with the law and they want to make sure the e-mails they send out are compliant with the law."

Copyright issues, Huffman says, are another area that he works in frequently. He says it is important for companies to be compliant with the Digital Millennium Copyright Act (DMCA).

The DMCA is a U.S. copyright law that criminalizes production and dissemination of technology, devices, or services that are used to circumvent measures that control access to copyrighted works. It heightens the penalties for copyright infringement on the Internet.

"Internet law is evolving very quickly," says Dan Kraus, CEO of San Antonio-based MyToons.com. "We started working with him (Huffman) because he is an expert in (Internet law) and right on top of the trends and the evolution of media on the Internet."

Kraus says Huffman's expertise is criti-

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Cox Smith Matthews Inc.

cal to his company's everyday operations. MyToons is a Web-based company that allows people who enjoy animation, from seasoned industry pros to animation fans, to upload and share their creations and animated favorites for free.

Kraus says Huffman understands both MyToon's business and how it works on the Internet.

"It's important to have someone who not just understands the laws, but understands the law and its application to business on the Internet," he says. "He is very strong in both of those areas."

Internet updates

While Huffman deals with what he calls "run of the mill" Internet issues, he says

there are a few that are much more tricky, including Internet gambling, adult content Web sites and the issue of minors accessing those type of sites.

Because the laws are outdated, some sites struggle to remain compliant.

Huffman says legislators

need to revisit some of the existing laws. As the Internet has evolved, the laws have become irrelevant.

One area affected by outdated regulations are sites that host fantasy sports.

"The Department of Justice says (Internet gambling operations) are all illegal and they are basing that on (regulations established) in the 1940s and the 1950s to deal with the Mafia and sports betting," Huffman says. "Those don't really apply here and the (government) hasn't overhauled them."

Web-site owners also face a dilemma when it comes to protecting children from entering adult-oriented Web sites.

"What do you do with a minor and a Web site? A minor can't enter into a contract," he explains. "Even though you say, 'I acknowledge I am 18 years old or older and I agree to this agreement,' it doesn't help you much because (someone under) 18 years old can't enter into a legal contract. You don't want to rely on an agreement with a child because it will be very difficult to enforce it."

Huffman says one way he helps protect his clients is having them add disclaimers to their sites that inform people that if they lie about their age, they may not be protected by laws designed to protect them.

For Huffman, Internet law is an exciting area to be involved in since it is ever-changing and it continues to evolve.

"(Working with Internet law) is kind of a tap dance from time to time," he says. "You do ultimately become subject to a rule of reason, especially in the privacy area."

"It's really just a question of understanding what people's expectations are in the Internet age because the laws are not going to catch up for some time."



Kraus