Overview

HunterMaclean’s information technology and outsourcing practice group provides clients with effective, practical, and dynamic solutions to technology-related contracting and legal compliance needs. Under the leadership of acclaimed information technology attorney Diana J. P. McKenzie, the information technology practice group is comprised of attorneys with extensive experience in corporate law, privacy, business litigation, and information technology law. Our attorneys provide cutting-edge information technology solutions for our clients, from negotiating outsourcing and other technology contracts to developing electronic commerce service agreements.

The practice group’s technology-related focus benefits a variety of clients in different industries and in various geographic locations. The group has extensive experience in information technology transactions, including outsourcing, ERP, systems integration, consulting and support services, telecommunications, equipment acquisition, software development and technology licensing/acquisition, strategic alliance, web hosting, electronic commerce, and Internet-related issues.

Attorneys in the information technology and outsourcing practice group also stay on top of the latest developments in privacy law and security-related regulations, advising clients and assisting them in developing up-to-date compliance programs and other strategic planning initiatives.

Our attorneys provide unique value to clients through:

**Extensive experience with vendors**

We have negotiated with nearly all of the major vendors and a substantial number of the minor players in the information technology and outsourcing space numerous times and know the issues on which they will typically give, as well as the issues on which they will typically take a firm stance.

**Technical and legal knowledge**

Information technology and outsourcing contracts require particular provisions to ensure that purchased technology is properly installed, implemented (including training), tested, and maintained, with special warranties that provide meaningful remedies, and disentanglement provisions that will govern the transition when the contract expires or terminates. Similarly, information technology and outsourcing contracts require particular provisions to ensure that the services are properly performed by qualified personnel in accordance with specified service levels.

**Practical business experience**

All of our attorneys have practical experience in technology-focused businesses prior to attending law school, including software development, management of information technology systems, and engineering. We also have attorneys with MBAs and experience as in-house counsel.
We work closely with clients at the earliest possible stage, typically during the creation of the RFP, to develop the client's priorities. We then use our extensive experience with vendors, our technical and legal knowledge, and our practical business experience to achieve the client's priorities through effective and efficient contract negotiations.

Experience

**Representative technology acquisition, licensing, and distribution matters**
- Creating form software license agreements for hundreds of different software vendors in many different industries, many involving worldwide licensing
- $14M procurement of hardware and related services for nationwide utility company
- $12.5M acquisition of technology and services by a large metropolitan county to establish county-wide, wireless video and data network to be used by first-responders in emergencies, by law enforcement personnel, and for prevention of and response to terrorism
- $4M procurement of a bet-the-company software licensing and related services transaction for an insurance company
- Procurement of videoconferencing system and more than a dozen touch screen-operated conference room A/V systems for a newly constructed skyscraper in Chicago
- Procurement of distributed antenna system to support radio frequency communications in large new hospital in major metropolitan area
- Negotiation of various software licenses and implementation services agreements for operations of assisted living complexes
- Licensing of software to handle electronic member communications and relations for national, not-for-profit educational, research and professional society
- Licensing of survey software by international professional services firm
- Licensing of investment and loan evaluation software for well-known investment firm
- Licensing of media player and advertising insertion software by software developer to a national cable television network for use in delivering content via the Internet
- Evaluation of issues relating to open source code in various software licensing deals
- Licensing of electronic content management (ECM) system for large metropolitan hospital
- Acquisition of state-of-the-art A/V system for patient rooms at large metropolitan pediatric hospital, permitting access to various games, movies, and electronic health record information
- Assisting clients in compliance with International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR) particular to software distribution and licensing

**Representative information technology services engagements**
- $30M acquisition of professional services and technology by a large metropolitan county to establish county-wide, wireless video and data network to be used by first-responders in emergencies, by law enforcement personnel, and for prevention of and response to terrorism
- $15M acquisition of professional services by an academic medical center
- Representation of a purchaser in a large-scale acquisition of PCs and related peripherals from major retailer under a group purchasing agreement
- Negotiation of multi-year data center co-location and managed services agreement with full data-mirroring and disaster recovery capabilities for major metropolitan pediatric hospital
- Purchase of security-related services by a Fortune 500 company
- Procurement of firewall and security-related services for large utility company
▪ Drafting of form marketing services agreement for a social networking marketing and advertising firm
▪ Drafting of standard form consulting services agreements for a variety of clients, from the perspective of the customers who are engaging service providers, and negotiation of these agreements in a wide variety of circumstances
▪ Creating standard form master consulting agreements, and negotiating various consulting engagements, for several different information technology consulting services firms
▪ Representation of a private entity fund in an agreement to securely wipe, recondition, and resell its decommissioned servers and other computer hardware

Representative health care technology matters
▪ $300M agreement whereby electronic medical record technology is supplied to regional health care providers
▪ $100M software licensing, implementation, and maintenance agreement for electronic health record system of a large multi-entity academic hospital medical center
▪ $80M expansion of a software license, and establishment of a hosted services arrangement, for an electronic medical records system on behalf of a large integrated health care delivery network in the Midwest
▪ $60M software license and $13M+ outsourcing of clearinghouse services to a major health care clearinghouse by a large health services and technology company.
▪ $75M restructuring of a managed services agreement at a large multi-entity academic medical center.
▪ $75M software licensing, implementation, and hosting agreement for electronic health record system of a multi-hospital health system
▪ $68M software licensing and implementation services agreement for electronic health record system of a complex, multi-hospital health system
▪ $67M licensing and implementation of health information system of major health care vendor for multi-entity academic hospital medical center
▪ $35M licensing and implementation of health information system of major vendor by large private hospital system
▪ $30M outsourcing of broad scope of revenue cycle management services to several different vendors for health system with multiple hospitals located across the U.S.
▪ $29M licensing and implementation of health information system of major vendor for large metropolitan county hospital
▪ $27M licensing and implementation of enterprise-wide health information system (designed to meet the requirements for “meaningful use” of CCHIT-certified electronic health records (EHR) technology) for a regional hospital system in the Southeast
▪ $27M outsourcing of clinical technology management, food and nutrition management, and housekeeping management services for health system with multiple hospitals located across the U.S.
▪ $25M licensing and implementation of health information system for a large, multi-entity hospital chain
▪ $15M complex assignment of health information system licenses for a multi-hospital health system
▪ $15M procurement of health information system by one of the largest networks of community health care centers in the United States
▪ $15M procurement of information technology infrastructure (network, unified voice communications system, security, real time location system) to support large new hospital in major metropolitan area
▪ Negotiation of agreements (totaling over $30M) with a group purchasing organization (GPO) regarding various different types of products and services for health system with multiple hospitals located across the U.S.
▪ Negotiation of agreements for participation of several health systems and hospitals in various state-wide health information exchanges
▪ Negotiation of software license and statement of work for the upgrade of a regional hospital's medical archive storage (MAS) system by a major hardware vendor
• Drafting and negotiating a statement of work to govern the upgrade of a mammography imaging system for a hospital's outpatient clinic
• Negotiation of wireless communication system for intra-hospital messaging and alarms at large metropolitan hospital
• Creation of form agreements for provision of subsidized electronic health record technology, in accordance with regulatory requirements, by several large health care organizations to physician practice groups and clinics
• Negotiation of revenue cycle management services agreements for community health care system and other health care organizations
• Creation of form agreement for provider of telemedicine services, and negotiation of agreements with specific customers
• Negotiation of agreements for provision of cloud-based electronic health record systems to various smaller health systems and hospitals
• Creation of form connectivity agreements for a leading vendor in the Direct project, and negotiation of connectivity agreements with software vendors, health plans, and large health care provider groups throughout the U.S.
• Drafting and negotiation of exclusive license and development agreement regarding pharmacological technology for pharmaceutical company

Representative outsourcing initiatives
• $1.4B outsourcing of customer care and customer relationship management operations of a major wireless telecommunications firm
• $500M business process outsourcing agreement (including customer care, bill printing, remittance processing, and back office work) for a large commercial and retail gas marketer
• $140M business process outsourcing agreement for a large retail gas provider
• $120M outsourcing of the entire information technology department of a large academic medical center
• $40M outsourcing of customer care operations for a major retailer
• $8M outsourcing of call center for major corporation
• $5M outsourcing of customer care operations of multi-state corporation
• Representation of a VoIP services company in an asset purchase agreement to acquire previously licensed software and patented voice compression technology
• Creation of form agreement for outsourcing of finance and accounting functions of a major retailer
• Outsourcing of desktop services, database administration, server administration, help desk, voice and video technology, WAN and LAN services, and applications development and maintenance services for multinational manufacturing company
• Restructuring and consolidation of offshore information technology outsourcing relationships, and various additional outsourcing engagements, for a major financial services company
• Offshore outsourcing of business critical software development work for a well-known creator and distributor of social expression products to several different foreign firms
• Outsourcing of directory assistance services and telemarketing/telesales services for a major wireless telecommunications firm to several different vendors
• Negotiation of expansion of existing call center services outsourcing agreement for major energy marketer to cover additional states in different regions of the United States
• Renewal and expansion of a multi-year outsourcing agreement for back office billing and remittance services of natural gas marketer
• Drafting of standard form outsourcing and co-sourcing agreements for major health care services provider and negotiation of agreements with initial customers
• Outsourcing of software development and support services by multinational financial services company to vendors located in India and the Philippines
• Lead negotiator for international outsourcing of call center operations for one of the largest U.S. retailers. Outsourcing involved simultaneous auction-styled negotiations with three different vendors

Representative ERP transactions
• $84M integration project for a large metropolitan school district in the South
• $55M integration project with large, nationally recognized integrators for a leading wholesale industrial distribution firm
• $40M integration project with for a leading distribution and retail company
• $30M integration project for diversified corporation in the agriculture, energy, rail transportation, nutrients, and retail grocery industries
• $22M integration project for a multinational utilities company, involving work in several different countries

Representative cloud and e-commerce transactions
• Negotiation of what the Wall Street Journal reported was the largest web hosting and development deal of that year with nationally recognized vendor for leading wholesale industrial distribution firm
• Drafting and negotiating agreements associated with formation and operation of an Internet portal that remains one of the busiest business-to-business e-commerce sites on the web, including in-bound and out-bound technology transfers, content licensing, co-branding, and strategic alliance agreements
• Advising with respect to the design of processes and system to facilitate conducting of electronic transactions for a leading provider of technology solutions to automobile dealers
• Negotiation of joint development and marketing agreement for hosting and delivery of professional examination preparation courses over the Internet for university in the Midwest
• Drafting a joint development and marketing agreement for the development and delivery of home schooling products and services
• Represent regional restaurant chain in acquisition of web design and website hosting services
• Preparing terms of use and privacy policies for websites of numerous clients in various different industries
• Drafting form agreements and negotiating various data and user agreements for Internet provider of content and services regarding energy commodities trading, as well as for various other website operations
• Represent international heavy equipment manufacturer in trademark infringement (cybersquatting) matter
• Representation of a regional realtors organization in its launch of a cloud-based multiple listing service to compete with an incumbent, privately held MLS

Representative matters relating to cybersecurity and privacy
• Drafting cybersecurity policies and sophisticated contract requirements to protect data
• Assisting various different clients to comply with security breach notification laws of multiple states following a security breach
• Assisting a premier hospitality company with payment card industry (PCI) compliance monitoring and reporting efforts
• Counseling numerous clients with regard to unauthorized disclosures of confidential information via the Internet and other breaches of confidentiality and security incidents, including those arising in a large outsourcing relationship
• Advising client with large Internet e-commerce portal with regard to security and confidentiality concerns relating to web crawlers, bots, and other forms of automated website access and with regard to data encryption requirements and recommendations
Drafting privacy and security policies for websites of numerous clients in various different industries, including policies for complex, e-commerce-enabled websites, and for intranets and extranets

Advising leading provider of technology solutions to automobile dealers, and a financial services company, with regard to data encryption requirements and other security and confidentiality issues relating to electronic transactions conducted over the Internet

Negotiating multi-million dollar secure access control agreement for state-of-the-art protection of facilities and systems of leading wholesale industrial distribution firm

Negotiating agreements for security penetration/intrusion detection testing and analysis by nationally recognized consulting/accounting firm for leading wholesale industrial distribution firm

Negotiating agreement for procurement of managed firewall services for a health care client that develops, markets, and supports leading-edge solutions for patient billing and online account management

Advising various clients with regard to disaster recovery and data backup concerns and requirements in a broad array of different types of technology-related deals

Drafting standard form confidentiality, nondisclosure, and intellectual property rights assignment agreements for use by various clients in different industries with their employees, subcontractors, and service providers

Assisting various clients in ensuring that appropriate protections regarding privacy and data security (e.g. protections regarding compliance with state security breach notification laws, HIPAA, PCI standards, the U.S. Commerce Department’s “Safe Harbor” regarding the European Union’s data privacy directive, etc.) are included in their technology-related agreements

Publications

14 Cybersecurity Clauses to Know for Healthcare Technology Contracts
By Diana J. P. McKenzie and Nicole L. Pope, published on February 12, 2020, on Law.com

Healthcare Hacks

GDPR: What U.S. Companies Need to Know

12 Healthcare IT Law Attorneys You Should Know
Diana J. P. McKenzie was featured in this article by Health Data Management on November 21, 2017.

Cybersecurity Basics for Board of Directors

Cyber Security for Commercial Real Estate Businesses and Professionals
By Daniel R. Crook, published on September 25, 2016, in Business in Savannah.

SaaS Security Essentials For Legal
By Milton L. Petersen, published on May 7, 2015, on SpringCM.com.

Do You (or Does Your Vendor) Need Cyber-Liability Insurance?
By Milton L. Petersen, published on February 18, 2015, in Business in Savannah.

What Really Matters in Negotiating IT Outsourcing Contracts
Handout by Diana J. P. McKenzie at presentation to the Association of Corporate Counsel Georgia Chapter in Atlanta, Georgia, in October 2014.

Software-as-a-Service (SaaS): Transforming Logistics (and Everything Else)

Bitcoins: What You Need to Know About the Cryptocurrency
▪ **What Business Owners Should Know About Security Breaches**  
By Diana J. P. McKenzie, published on August 8, 2014, on Georgia CEO.

▪ **Licensor and Licensee Dealmaking Tips to Reduce Data Privacy and Security Risks**  

▪ **Data Security Concerns for Health Care Providers: A two-part series**  
By HunterMaclean Attorneys, published on September 27 and October 1, 2013, in Health IT Security.

▪ **What to Look for in SaaS Agreements**  

▪ **Avoiding Disputes on Software Agreements**  

▪ **Be Prepared for a Data Security Breach**  

▪ **Top Three Cloud Computing Implementation “Must Haves” for Lawyers**  

▪ **Service Organization Control Reports Demystified**  

By Milton L. Petersen, published on September 1, 2011, in Tech Journal South.

▪ **Cloud Computing: Legal Risks Every CIO Should Know**  
By Milton L. Petersen, published on June 7, 2011, in CIO Insight.

▪ **Facebook, Twitter, and the Law: What Every CIO Should Know About Social Media**  
By Diana McKenzie, published on June 6, 2011, on CIO Insight.

▪ **Cloud Computing Has Its Risks**  

▪ **Beware of the Legal Risks of Cloud Computing**  

▪ **Trends in Outsourcing Emerging From the Great Recession**  

▪ **Conducting Business Online Requires 21st-Century Legal Protections**  

▪ **Avoiding Social Media-Related Legal Issues in the Workplace**  

▪ **Keys to Developing Effective IT Consulting Agreements**  

▪ **The Growing Importance of Brands and Trademarks in Today's Economy**  

▪ **Recession May Provide Opportunities to Negotiate Favorable Software Agreements**  

▪ **Know Your Termination Rights**  

▪ **Know Your FACTA Rules**  
By Milton L. Petersen, published in January 2009 in FORUM, the monthly magazine of Association Forum of Chicagoland.
• **Key Elements of a Good ERP Implementation**

• **Technology Contracting in the Public Sector**

• **Controlling the Chaos: A New Approach to Streamlining Outsourcing Negotiations**

• **Preventative Law: Disentanglement Clauses in IT Outsourcing Agreements**

• **Preventative Law: Disentanglement Clauses in IT Outsourcing Agreements**

• **E-mail: Think Before You Send**

• **Choosing an entity for your business**
  By Thomas S. Cullen, published on September 4, 2004, in *Savannah Morning News.*

• **Creating a Healthy Relationship with Your (Next) IT Vendor**

• **Legal Protections Related to Security Concerns**

• **What Would You Waive in Negotiating a Contract**
  By HunterMaclean Attorneys, published in June 2003 in *Savannah Morning News.*

• **Negotiating Effective Service Level Agreements**

• **Negotiating Web Host Development Agreements**

• **Developing a Winning IT Negotiations Strategy**

• **Contracting for Technology Services**

• **Struggling to Comply with HIPAA Transactions and Code Set Standards by the Deadline? Consider Filing for an Extension**
  By Diana J. P. McKenzie and Milton L. Petersen, published in Inside HIPAA Compliance (Spring 2002).

• **Business Associate Agreements**

• **Negotiating Software License Agreements in an Economic Downturn**

• **Contracting with Software Vendors in a Recession: A User’s Perspective**

• **Handling Medical Data? Think HIPAA Now**
Ten tips for e-businesses

Devising a Broad Data Security Policy

E-businesses Must Negotiate a New and Changing Set of Rules

Devising a Data Security Policy

Medical Data Harvesting: Why a Little Loss of Privacy May Be Good for Patients Health

Negotiating Software License Agreements – A Customer’s Perspective

Harvesting Data: A Little Less Privacy Leads to Better Care

Formulating an Effective Security Policy

Information Technology Policies: Managing Employer Risk in Cyberspace

Legal Review: Protecting the Confidentiality and Integrity of Patient Records
By Diana J. P. McKenzie, published in May 1997 in Topics in Health Information Management.

Form Master Web Site Professional Services Agreement and Form World Wide Web Link Revenue Agreement

Protecting Patient Privacy and Data Quality in a Community Health Information Network

A Legal Analysis of the Pitfalls of the Internet

Defending Your Data: Minimizing Risks in a Networked Environment

Healthcare Trend Improves Security Practices
By Diana J. P. McKenzie, published in May/June 1996 in In Confidence.

Medical Record Networking: Banking on Security
By Diana J. P. McKenzie, published in May/June 1996 in InfoCARE.

Commerce on the Net: Surfing through Cyberspace without Getting Wet

Strategies for Success When Medical Groups Participate in CHINs

Business in Cyberspace Calls for Cautious Dealings

Learning to Drive on the Information Highway
A Lawyer’s Road Map of the Information Superhighway

Limiting Liability from Unauthorized Computer Record Disclosures

From Country Roads to Superhighway: Keeping Pace with the New Business and Legal Turns on the Information Superhighway

Hospitals’ Protection of Patients’ Records Shows Strengths and Weaknesses

Reducing Legal Exposure for Computer-Based Patient Records

Technology Law One-Third Step behind Innovation

Data Deals: The Essence of Multimedia Transactions

Medicolegal Liability & Clinical Software

Presentations

Cyber Liability and Business Risk
Nicole L. Pope participated in this panel discussion hosted by Infinity, Inc., on February 19, 2020, in Savannah, Georgia.

Negotiating Health Care IT Agreements

Meet the Presidents: Discussion of Emerging IT Legal Trends to celebrate ITechLaw’s 15th year in India

Negotiating Health Care IT Agreements

Emerging Technology & Trends

HunterMaclean Brunswick Critical Issues Forum on Cybersecurity
Diana J. P. McKenzie served as the moderator at HunterMaclean’s Brunswick Critical Issues Forum on Cybersecurity on October 12, 2017, at the College of Coastal Georgia in Brunswick, Georgia.

Negotiating IT Contracts

Negotiating Health Care IT Agreements
HunterMaclean Critical Issues Forum on Cybersecurity
Diana J. P. McKenzie served as the moderator at the HunterMaclean Critical Issues Forum on Cybersecurity on April 27, 2017, at the Savannah Technical College in Savannah, Georgia.

Legal Aspects and Trends in Nursing Informatics: Practical advice on terms you need to review in your technology contracts
Presented by Diana J. P. Mckenzie at the Annual American Nursing Informatics Association Conference (ANIA) in New Orleans, Louisiana, on April 1, 2017.

Regulatory Risks and Issues in Monetizing Data: A Survey of Issues
Presented by Milton L. Petersen at the Cloud Adoption and Data Analytics conference in Seattle, Washington, on June 28, 2016.

Negotiating Health Care IT Agreements

Security Update
Presented by Diana J. P. McKenzie at the 2016 Health Care Law Update & Annual Meeting for the Georgia Academy of Health Care Attorneys in Atlanta, Georgia, in May 2016.

Security and Other New Provisions You Need in Your Technology Contracts Now

Legal Considerations in Implementing your Vision
Presented by Milton L. Petersen and Colin A. McRae at the Southeastern Warehouse Association Convention in Hilton Head Island, South Carolina, on September 18, 2015.

Emerging Technologies and Preparing for Investors: A Legal Perspective
Presented by Milton L. Petersen at Law Seminars International in Atlanta, Georgia, in April 2015.

The Inner Workings of the Cloud: A Customer Perspective
Presented by Diana J. P. McKenzie at Law Seminars International in Atlanta, Georgia, in April 2015.

Licensor and Licensee Dealmaking Tips: Typical Bones of Contention and Possible Solutions

Legal Potpourri in the Digital Age: Social Media, Text Messaging, Mobile Health and More

Other Options for Getting the Supplier to Focus on Target Outcomes

What Really Matters in Negotiating IT Outsourcing Contracts
Presented by Diana J. P. McKenzie to the Association of Corporate Counsel Georgia Chapter in Atlanta, Georgia, in October 2014.

My Career Story: Or, How to Succeed in the Practice of Law by Making a Lot of Mistakes
Presented by Diana J. P. McKenzie at the University of South Carolina Beaufort in Beaufort, South Carolina, in September 2014.

IT and Contracts: Outsourcing

Third Party Relationships: Important Factors to Consider in Contract Negotiation
- Cloud Computing Contracts and Risks

- Website Policies: A Common Sense Approach to What You Must Do!
  Presented at Technology Summit 2013 in Savannah, Georgia, in April 2013 by Diana J. P. McKenzie.

- Managing the Business of Healthcare in the Cloud: Buyer Beware
  Presented at HIMSS Virtual Briefing in March 2013 by Diana J. P. McKenzie.

- Trends in IT Contracts
  Presented at the HIMSS13 Annual Conference & Exhibition in New Orleans, Louisiana, in March 2013 by Diana J. P. McKenzie.

- Dealmaking Tips: Current Hotspots in B2B, IP & IT Licensing & Service Agreements

- Licensing and Contracting Panel

- Minding the Store: Negotiating Successful Billing and Collections Outsourcing Agreement

- Parting the Clouds: Negotiation Tips for Healthcare Cloud Computing Agreements

- Ordering Off-Menu: Tips for Adding Essential Purchaser-Friendly Warranties to a Standard-Form Vendor Agreement

- Structuring Revenue Process Deals
  Presented at the ITechLaw 2011 European Conference in Oslo, Norway, in October 2011 by Diana J. P. McKenzie.

- The Best Place to Start is Always at the Beginning: Legal Issues for Startup Companies
  Presented at Georgia Tech and The Creative Coast in Savannah, Georgia, on April 21, 2011, by Milton L. Petersen.

- Don’t Get Lost in the Cloud: Legal Risks and Implications of Cloud Computing
  Presented at the Storage Network World Conference in Santa Clara, California, on April 7, 2011, by Milton L. Petersen.

- Legal Considerations of Cloud Computing
  Presented at the Greeninfotech Summit in Atlanta, Georgia, in April 2011 by Milton L. Petersen.

- Ordering Off-Menu: Adding Essential Purchaser-Friendly Warranties to Standard-Form Vendor Agreements

- Drafting And Reviewing IT Contracts That Work
  Presented at the Association of Corporate Counsel – Atlanta Chapter in Atlanta, Georgia, in January 2011 by Diana J. P. McKenzie.

- Business Associate Agreements: Practical Advice for Complying with the HITECH Act Business Associate Agreement Requirements

- The Art of the Deal: Negotiating a Winning EHR Contract
  Presented at Rural Hospital Information Technology Conference in Austin, Texas, in October 2010 by Diana J. P. McKenzie.
Drafting Meaningful IT Warranties: A Checklist Approach
Presented at ITechLaw 2010 European Conference in Berlin, Germany, in October 2010 by Diana J. P. McKenzie.

Successful Contract Negotiations

ICD-10 Contract Analysis

A Checklist of IT Warranty Provisions: What is Hot & What is Not

Trends in Outsourcing in the Great Recession
Presented at ITechLaw 2010 World Technology Law Conference in Boston, Massachusetts, in May 2010 by Diana J. P. McKenzie.

New Rules for an Old Game: Structuring Winning EHR Contracts
Presented at the Healthcare Information and Management Systems Society Annual Conference in Atlanta, Georgia, in March 2010 by Diana J. P. McKenzie.

Prescription for HIPAA and HITTECH Compliance
Presented at Sophros audio-conference in March 2010 by Diana J. P. McKenzie.

Hot Issues in eHealth and Healthcare Technology
Panel discussion moderated by Diana J. P. McKenzie at ITechLaw Annual European Conference in Brussels, Belgium, on November 6, 2009.

Navigating Data Security Breach Notification Laws

Data Breaches: Lessons Learned and Guidelines for Developing an Incident Response Plan

Understanding and Mitigating IT Project Risks

That's Not Your Code! Jacobsen v. Katzer & Open Source Licensing

Stimulus Package Jumpstarts EHR Adoption and Toughens Health Information Protections

We've Lost a Laptop: Navigating the Patchwork of Security Breach Notification Laws
Presented at the InfoSec World Conference & Expo in Orlando, Florida, in February 2009 by Diana J. P. McKenzie.

Navigating Security Breach Notification Laws When Patient Information is Exposed

Appropriate Protections for your IT Contracts in a Recessionary Economy

Negotiating Software License Agreements in a Recession
• We’ve Lost a Laptop: Navigating the Patchwork of Security Breach Notification Laws

• Outsourcing: Recent Developments and Trends - Designing Termination Clauses

• We’ve Lost a Laptop: Navigating the Patchwork of Security Breach Notification Laws

• Old Wine in New Bottles: New Provisions in Large Scale Software Licensing Agreements

• New Developments in Software Licensing Agreements

• Outsourcing and Offshoring 2007: Protecting Critical Business Functions - Mock Negotiation of an Outsourced Deal: Business and Legal Issues

• ERP Agreements: Key Contractual Provisions That Must Be in Your Contract

• Legal Considerations Every Utility Should Know Prior to Outsourcing

• Selection, Design, and Drafting of Complex Licensing Documents

• Are You Fluent in “Contract”? How to Get the Most Out of Your Agreements

• Managing Global Outsourcing Litigation and Dispute Resolution

• Drafting, Reviewing and Negotiating IT Contracts that Work
  Presented at the Neal Gerber Eisenberg Conference Center in Chicago, Illinois, in October 2006 by Diana J. P. McKenzie.

• Shared Services versus Outsourcing

• Drafting Contracts that Work Part II

• Value Based and Transformational Outsourcing
  Presented at the World Computer and Internet Law Congress and ITechLaw Annual Meeting in San Francisco, California, in May 2006 by Diana J. P. McKenzie.

• Contractually Speaking: Drafting IT Contracts that Work
  Presented at the Iowa Department of Public Health FLEX Hospital Rounds Conference in Johnston, Iowa, in May 2006 by Diana J. P. McKenzie.

• Structuring and Drafting Complex License Agreements
• Drafting Information Technology Contracts That Work for Healthcare Providers
  Presented at the Healthcare Information and Management Systems Society Annual Conference in San Diego, California, in February 2006 by Diana J. P. McKenzie.

• Corporate E-Mail Systems: Liabilities and Rules
  Presented at the 3rd Conference of the Americas in Mexico City, Mexico, in December 2005 by Diana J. P. McKenzie.

• A New Approach to Streamlining Negotiations
  Presented at the Association of Corporate Counsel Chicago Chapter Luncheon Program in Chicago, Illinois, in November 2005 by Diana J. P. McKenzie.

• Transformational Outsourcing

• Outsourcing – Doing It Right The First Time and Every Time

• A Practical Approach to Drafting Information Technology Contracts

• A Practical Primer on Drafting Contracts that Work
  Presented at the Association of Corporate Counsel Chicago Chapter Evening Program in Chicago, Illinois, in March 2005 by Diana J. P. McKenzie.

• Exceeding Client Expectations – Winning Negotiating Strategies

• Controlling the Chaos: A New Approach to Streamlining Outsourcing Negotiations

• What’s New in Healthcare Outsourcing Agreements
  Presented at the Healthcare Information and Management Systems Society Annual Conference in Dallas, Texas, in February 2005 by Diana J. P. McKenzie.

• International Licensing Agreements in the Technology Sector

• Controlling the Chaos: A New Approach to Streamlining Outsourcing Negotiations

• Contracting for Disentanglement in IT Outsourcing

• Contractual Protections in an Unstable Industry

• Buyer Beware: Procuring Software & Services in an Unstable Industry
  Presented at the 98th Annual Conference of the GFOA in Milwaukee, Wisconsin, on June 14, 2004, by Milton L. Petersen.
• Live Outsourcing Negotiation with Audience Interaction: From the Negotiator’s and Litigator’s Point of View

• The Hot Outsourcing Issues of Today: Whether the Parties are Next Door or on the Other Side of the World

• Privacy: The Growing Importance of Personal Privacy Protection and Compliance
  Presented at the Georgetown University Law Center Advanced Computer and Internet Law Institute in Washington, D.C., in March 2004 by Diana J. P. McKenzie.

• After the Transaction: Handling Ongoing Support and Maintenance Obligations

• Health Insurance Portability and Accountability Act
  Presented at the Lorman Education Services HIPAA, ADA and FMLA Conference in Oak Brook, Illinois, in January 2004 by Diana J. P. McKenzie.

• A Sprint Through HIPAA

• Web Hosting Development Agreements

• Privacy and Outsourcing: The Regulatory Framework

• The Legal Aspects of Managing Risk in Software Development Projects

• Managing the Risks in IT Projects: What IT Lawyers Need to Know

• Key Legal Issues to Consider When Your Company Does Business Online
  Presented to the Corporate Counsel Committee Meeting of the Chicago Bar Association in Chicago, Illinois, in April 2003 by Diana J. P. McKenzie.

• Legal Aspects of Disclosing PHI

• Business Associate Agreements
  Presented at the Healthcare Information and Management Systems Society Annual Conference and Exhibition in San Diego, California, in February 2003 by Diana J. P. McKenzie.

• Disaster Planning and Recovery/Bioterrorism: Creating an Actionable Disaster Recovery Plan

• Drafting Web Development and Hosting Agreements
• **Privacy & Outsourcing: the Regulatory Framework**  

• **Technology Outsourcing Agreements, What You Need to Know**  

• **Negotiating Web Agreements: How Tangled is the Web and Who’s Doing the Deceiving?**  

• **Cyberhospitals**  

• **Compliance Countdown: Real World Strategies for Implementing the HIPAA Privacy Regulations in Illinois**  

• **Negotiating ASP Agreements**  
  Presented at the Annual Healthcare Information and Management Systems Society Annual Conference and Exhibition in Atlanta, Georgia, in January 2002 by Diana J. P. McKenzie.

• **Business Associate Agreements**  

• **Internet Pharmacies: An Overview of Current Legal Issues**  

• **Negotiating Software License Agreements**  

• **Implementing HIPAA Privacy Regs – A Report from the Trenches**  

• **Top Technology Cases of the Past Century**  

• **Cyberhospitals: A Practical Legal Approach to Putting Healthcare Organizations Online**  

• **HIPAA & Beyond: The Future of Medical Data Privacy**  

• **Intelligent Networks, ASPs and Call Centers**  
  Presented at the Fifth Biennial Pacific Rim Technology Law Conference in Sydney, Australia, in February 2001 by Diana J. P. McKenzie.

• **Medical Data Privacy on the Internet: What You Need to Know**  
• Top Ten Concerns for Net Pharmacies
  Presented at the Net Pharmacy Conference in San Francisco, California, in July 2000 by Diana J. P. McKenzie.

• Business-to-Business e-Commerce

• Destination Unknown: HIPAA Effects on Patient Security and Confidentiality
  Presented at the Healthcare Information and Management Systems Society Annual Conference and Exhibition in Dallas, Texas, in April 2000 by Diana J. P. McKenzie.

• Tackling the Issues of Selling Drugs on the Internet
  Presented at the Net Pharmacy Conference hosted by the International Quality and Productivity Center in San Francisco, California, in February 2000 by Diana J. P. McKenzie.

• Understanding the Legal Developments and Practical Strategies Regarding Internet Pharmacies
  Presented at the Net Pharmacy Conference hosted by the International Quality and Productivity Center in San Francisco, California, in February 2000 by Diana J. P. McKenzie.

• The New Rules in Protecting Health Data

• The Internet and the Law

• Destination Unknown: HIPAA Effects on Patient Security and Confidentiality
  Presented by Diana J. P. McKenzie as a keynote speaker at the QuadraMed National Users Conference in Miami, Florida, in September 1999.

• Tackling the Issues of Selling Drugs on the Internet
  Presented at the Net Pharmacy Conference hosted by the International Quality and Productivity Center in Chicago, Illinois, September 1999 by Diana J. P. McKenzie.

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• Investing in High Technology: How Much Is Enough?

• Year 2000 Update: Contingency Planning and Recent Developments

• Liability for the Year 2000: What Hospitals Need to Know

• Addressing Last Minute Year 2000 Issues
  Presented at the Premier Annual CIO Forum in Irving, Texas, in April 1999 by Diana J. P. McKenzie.

• Practical Strategies for the Changing Information Technology Market
  Diana J. P. McKenzie was Conference Co-Chair for the Annual Meeting of the Computer Law Association and World Computer Law Congress in Washington, D.C., in April 1999.
- Effective Technology Policies for Today’s Health Care Organizations
  Presented at the Healthcare Information and Management Systems Society Annual Conference and Exhibition in Atlanta, Georgia, in February 1999 by Diana J. P. McKenzie.

- Liability for the Year 2000: What Hospitals Need to Know
  Presented at the Healthcare Information and Management Systems Society Annual Conference and Exhibition in Atlanta, Georgia, in February 1999 by Diana J. P. McKenzie.

- Practical Trends and Techniques in Structuring Large Outsourcing Transactions

- Protecting Your Organization From the Legal Ramifications of Year 2000 Non-Compliance

- Beyond the Boundaries – Technologies and Unrelated Business Breakthroughs, Unbundling and New Ventures
  Presented at the Utility Women’s Conference in Cleveland, Ohio, in October 1998 by Diana J. P. McKenzie.

- Liability for Software Developers
  Diana J. P. McKenzie was the roundtable discussion leader at the Chicago Software Association’s Annual Members Festival in Chicago, Illinois, in October 1998.

- New Trends and Techniques in Software Licensing

- Heavy Traffic Ahead: Legal Obstacles to Banking, Trading, and Investing Over the Internet

- Year 2000: Hidden Problems and Potential Liability

- Protecting Patient Privacy and Data Quality in a Community Health Information Network

- Maintaining Medical Data on the Internet
  Presented at the Tenth National Managed Health Care Congress Annual Meeting in Atlanta, Georgia, in April 1998 by Diana J. P. McKenzie.

- Year 2000 Legal Issues for Healthcare Providers

- Is Your Hospital’s Information Technology Policy and Practices Legally Sound and Appropriate for Today and the Next Millennium?

- Issues in Electronic Contracting

- Avoiding the Millennial Headache: Legal Solutions to the Year 2000 Problem
  Diana J. P. McKenzie was the roundtable discussion leader at the Chicago Software Association’s Annual Members’ Festival in Chicago, Illinois, in November 1997.
- **Internet and the Law: Minimizing Your Company’s Risks on the Web**
  Presented at the Forty-Fifth Annual Edison Electric Institute/American Gas Association Annual Meeting in San Diego, California, in November 1997 by Diana J. P. McKenzie.

- **Look Before You Leap: Legal Issues in Internet Technologies**

- **A Litigator’s Perspective on the Year 2000 Problem**
  Presented at the State Bar of Georgia’s Twelfth Annual Computer Law Institute Conference in Atlanta, Georgia, in September 1997 by Diana J. P. McKenzie.

- **Guarding the Safe: Practical Steps to Protect Electronic Patient Records**

- **Legal Considerations of Internet Security**
  Presented at the MIS Training Institute Conference in San Francisco, California, in August 1997 by Diana J. P. McKenzie.

- **Practical Steps to Reduce Legal Risks**

- **Healthcare on the Web: Recognizing the Risks and Limiting the Liability**

- **Contracting for Information Systems**

- **Legal Aspects of Data Capture and Retention with Computerized Patient Records**
  Presented at the National Managed Healthcare Congress Meeting in San Francisco, California, in November 1996 by Diana J. P. McKenzie.

- **A Model Defining and Exploring Information Transactions Between Public Health and Healthcare Organizations: Legal and Data Security Issues**

- **Practical Perspectives on Doing Business on the Internet**

- **Community Health Information Networks: How to Overcome the Security Issues**

- **Legal Aspects of Data Capture and Retention**

- **Healthcare Technology Law**

- **Avoiding the Crisis: Protecting the Confidentiality of Patient Data in a Healthcare Information Network Environment**
  Presented at the MIS Training Institute Conference in Boston, Massachusetts, in October 1995 by Diana J. P. McKenzie.
- **Basic Computer Law**  
  Presented at the Ohio State Bar Association Meeting in Toronto, Canada, in September 1995 by Diana J. P. McKenzie.

- **Overcoming the Legal Challenges in Converting to a Computerized Medical Record**  
  Presented at the Texas Association for Home Care Annual Meeting in Dallas, Texas, in September 1995 by Diana J. P. McKenzie.

- **Healthcare Networking Technology: New Problems, New Solutions**  

- **Commercial Transactions on the Global Information Infrastructure**  

- **Legal Issues in Data Security**  

- **Minimizing the Legal Costs of Doing Business on the Information Superhighway**  

- **Legal Ramifications of Converting to a Computerized Patient Record**  
  Presented at the Midwest Alliance of Nursing Informatics Meeting in Highland Park, Illinois, in February 1995 by Diana J. P. McKenzie.

- **Patient Data Privacy and Community Health Information Networks: A Legal Perspective**  
  Presented at the SunHealth Alliance Video Teleconference in Charlotte, North Carolina, in February 1995 by Diana J. P. McKenzie.

- **Smart Strategies for Licensing Managed Care Systems**  

- **How the Law Affects Community Health Information Networks**  
  Presented at the Institute for International Research Conference in Boston, Massachusetts, in October 1994 by Diana J. P. McKenzie.

- **A Lawyer's Road Map of the Information Superhighway**  

- **The Information Superhighway: Controlling the Tollgates and Avoiding the Potholes**  
  Presented at the Sports and Entertainment Law and Computer Law Sections of the State Bar of Georgia Conference in Atlanta, Georgia, in May 1994 by Diana J. P. McKenzie.

- **From Country Roads to Superhighway: Keeping Pace with the New Business and Legal Turns on the Information Superhighway**  