

Where Technology And The Law Meet

This lawyer has the vision to combine technology with the law and make greatness.

by Carol Carter



Marla R. Butler

Marla R. Butler, 39, is an attorney who devotes considerable amounts of time to learning technology. Working in the intellectual property and licensing groups at Robins, Kaplan, Miller & Ciresi LLP in Atlanta, Butler must learn the technological issues involved in the cases she handles before she can concentrate on the law.

“There is a huge technical component, so we have in-house science advisers, we hire experts and we learn the technology,” she says. “For every new case I get that has a different technology, I spend a significant amount of time at the beginning of that case learning that technology.”

In one notable case concerning microprocessors, Butler gathered evidence of infringement through depositions of Intel engineers who designed and developed Pentium microprocessors. On behalf of Intergraph Hardware Technologies Co., Butler and her colleagues recovered settlements totaling \$440 million from companies that included Hewlett Packard (HP), Dell and Gateway.

“The computer manufacturers that we sued all use Intel processors in their products, and so the patent at issue was very much a microprocessor patent,” she says. “Most of the infringing technology was found in the microprocessors, so the heart of our case was what happened inside the Intel microprocessor.”

The big computer manufacturers who settled sold products that infringed on Intergraph’s patent. “In that scenario,” Butler explains, “what they were looking at was having to pay my client a certain percentage of every sale they made, so when you think about how many Dell computers, HP computers that are sold over a several-year period, the numbers get big very quickly. That’s why they agreed to settle.”

Currently, she represents a company that has patents in liquid crystal display technology and has sued several computer monitor and laptop manufacturers. The case will go to trial in federal court in Texas in July.

To handle such cases properly, Butler says, “I’ve got to be able to understand the patent. I have to be able to look at the accused devices – which are the products being made by the companies we are suing – and make an assessment about whether or not those devices infringe on my client’s patent.”

A cum laude graduate of Florida State University College of Law, Butler joined Robins, Kaplan, Miller & Ciresi after graduation in 1997 and has worked in intellectual property law since 2000.

She figures her decision to go to law school may date to elementary school. “What stands out in my mind,” Butler says, “is having a fifth-grade teacher I irritated to no end because I was always questioning and challenging.” The next year, her sixth-grade teacher – in response to that same questioning and challenging – told Butler she was so argumentative that she would make a great lawyer.

“And so,” Butler says, “that was one of those things that stuck.”

With none of her current cases or clients in Georgia, Butler travels a lot. But all of the travel isn’t on behalf of clients.

As chairwoman of her firm’s Diversity Committee, some of her travel involves “meeting with our diversity manager in our Minneapolis office and attending conferences,” she says. “We’ve got a significant diversity budget,

so it is a significant undertaking to be ultimately responsible for the diversity efforts of the firm.”

For several years, the Diversity Committee has focused on racial and ethnic diversity. More recently, the committee added gender diversity and LGBT (lesbian, gay, bisexual and transgender) issues to the mix.

“We’ve divided the committee up into working groups focused on those three areas – racial and ethnic diversity, gender diversity and LGBT inclusion – and all of those working groups are looking at hiring as it relates to those three groups, retention and we’re always looking at what we need to do to make sure that we advance people of color, women and those in the LGBT community to the highest ranks in our firm, including partnership.”

Her committee did a test run, this year, for its Heritage Series – which will bring four internal events to the firm next year. The trial event was a spring roll demonstration in which two Vietnamese staff members taught colleagues how to make Vietnamese spring rolls.

“But also,” Butler says, “these two members of our firm talked about their culture and the differences between the Vietnamese culture and some other Asian cultures. People are attracted to it because there is some fun component to it, but at the same time we are educating each other about the differences among us.”

Butler was named 2007 Volunteer of the Year for the One Child, One Lawyer program of the Atlanta Volunteer Lawyers Foundation. “A couple of years ago,” she says, “there was a court case in federal court here in Georgia that found that all children in foster care or in DFACS [Division of Family and Children Services] custody have a right to representation by a lawyer, so that triggered the start of the One Child, One Lawyer program.

“Through that program, I represent youth in foster care. Right now I represent a 13-year-old boy who is a diagnosed schizophrenic and is going through a very difficult time in his life. He has been removed from his mother and grandmother’s home, and he is in a residential treatment center in DFACS care, to try to get his life back on track.”

She is a member of her firm’s Technology Committee, which just selected new computers for the firm, and she was inducted at the end of October as a fellow of the Litigation Counsel of America.

In her spare time, Butler serves on the National Leadership Council of Lambda Legal, a national organization that does impact litigation on LGBT issues.

“Lambda Legal is responsible,” she says, “for most of the major litigation successes – the major court cases in the United States Supreme Court and in state supreme courts – that have to do with LGBT issues.” Butler describes her work with Lambda Legal as a volunteer effort that coincides with issues that concern her.

She is a member of the board of directors for Youth Pride, an organization that provides recreation, a safe space and counseling for LGBT youth in metro Atlanta.

She and her partner, Lainie Butler, live in Morningside with their three cats and three dogs.

Butler plans to continue with intellectual property litigation.

“I work with great people, and I love the type of law that I practice,” she says. “I really do like the patent infringement litigation. I like learning the new technology. Cases are never the same because the technology tends to be different. There is always something new to learn.” ♀