

BY THOMAS ADCOCK

VIRTUAL LAW," as specialists call it, is not your father's law. And according to some aspiring lawyers, it is the next big thing.

Of the 50 or so tech-savvy lawyers around the country conversant in the language of orcs, avatars and toons, Brian Pyne, 23, says, "They all know each other. I'm trying to become one of them."

To that end, Mr. Pyne, a second-year student at New York Law School, works at the campus Institute for Information Law and Policy. He also has secured a summer associate job with Drakeford & Kane, a small Manhattan firm with a growing practice in virtual law.

Among Mr. Pyne's mentors is S. Gregory Boyd, a 34-year-old associate at Davis & Gilbert who suggests that forward-thinkers may grok (see glossary) a golden future in light of two recent sales-tracking measures in the entertainment business: Opening week gross receipts for "Iron Man," a new sci-fi action film from Paramount Pictures, were \$126 million while comparable earnings for "Grand Theft Auto IV," the interactive computer game set in the sex- and crime-packed virtual world of Liberty City, topped \$400 million in a few days.

"These numbers tell a story greater than the interest in the virtual world among most attorneys," said Mr. Boyd, an adjunct professor of intellectual property law at New York Law. "Everyone wants to be a film lawyer, but the financial power of games is relatively ignored."

Some lawyers know what time it is, Mr. Boyd suggested, and some do not.

Virtual law—running the gamut of intellectual property, copyright, tax and property law, patents, First Amendment, trademark, new media, corporate governance, license agreement and matters yet to be imagined—is "not the



The Next Big Thing?

Young Attorneys Envision Golden Future in Virtual Law

kind of thing easily picked up by people who've been practicing for a while," said Mr. Boyd, adding that "people like Brian, though, are aware of which way the wind is blowing."

As for the virtual world itself—now mostly associated with online chat rooms where participants socialize through fictional personae, or interactive three-dimensional computer games such as "Dungeons and Dragons," "EverQuest," "Asheron's Call" and "Ultima Online"—there is change in the wind.

Beyond entertainment, 3-D programming has far-reaching educational value and even beneficial application—as in the case of "Virtual Iraq," a program using components of the popular game "Full Spectrum Warrior," developed with funding from the Naval Research Office as psychological therapy for military veterans suffering post-traumatic stress disorder.

Some veterans are spooked by the everyday sensations of stateside life—the sound of a paper being ripped, a low-flying plane, a shadow—that yank them back into the horrors of battle.

Some virtual world expressions:

- **Avatar or Av:** Persona created by an interactive participant
- **Avababe:** Attractive female avatar
- **Avahunk:** Good-looking male av
- **Bot or Borg:** short for robot, or cyborg
- **Chatiquette:** Proper interactive etiquette
- **Grok:** Martian word meaning to deeply understand, coined by Robert A. Heinlein for his classic sci-fi novel "Stranger in a Strange Land"
- **Jacking in:** Term coined by cyberpunk writers for connecting real world awareness to the Virtual World
- **Kewl:** ultra-hip
- **Orc:** Tough, warlike humanoid
- **Toon:** Short for cartoon
- **Whuffle:** Futuristic reputation-based currency from Cory Doctorow's sci-fi novel, "Down and Out in the Magic Kingdom"

With “Virtual Iraq,” they are reintroduced to the sense triggers that cause mental anguish. The therapeutic notion, which so far seems to be working, is that the sights and sounds of ordinary life that cue horrible memories become merely that again, ordinary, allowing painful experience to be processed and memory to fade.

“This is all at a nascent stage,” said Sean F. Kane of Drakeford & Kane. “The technology changes on a daily basis, which is something I find fantastically energetic.”

For individuals around the globe, said Mr. Kane, the virtual world “is about gaming, but all the big companies are looking into the 3-D social networking aspects as a potentially new Internet portal.”

Cutting-Edge Community

Many participants in social network sites market their digital creations—physical things such as clothing, as well as story lines—via “Second Life,” a popular 3-D program developed by Linden Research of San Francisco. Trading is done with virtual money known as Linden dollars, convertible via several thriving online real dollar exchanges.

But legal questions abound. How, for instance, do creators protect their intellectual property?

“The business model variations are mind-boggling,” said Mr. Pyne. “It’s cutting edge. It’s a communications medium, but it has property within it. People create virtual items—housing, land, games, stories. But no one’s quite sure whether this property, a digitally created shirt, for instance, is property in the same way that a shirt you buy at Old Navy is property.”

He added, “No one’s really sure how you should treat these transactions, or how these transactions might go bad.”

The cleanest commercial application of virtual technology, said Mr. Kane, is long-distance learning programs for doctors and medical technicians, soldiers, police officers and firefighters.

Another clear usage area is real estate. Prospective buyers, said Mr. Kane, may

“teleport” to any place in the world to examine properties by having their avatars—or online personae they create themselves—walk about a given site or building to poke around the cellar, test the faucets or check out the neighborhood day and night.

“The virtual world is expanding as we speak,” said Mr. Kane, 36, who said his transition to virtual law over the past six years is at a point now where it comprises about 80 percent of his practice.

“When I told my wife, she said, ‘What—you’re going to destroy your career? Where’s the industry?’” he said.

Big Business

There is an increasing rush to the virtual world by big business—Sony, BMG Music Entertainment, Nissan, Adidas/Reebok, American Apparel, Microsystems, Toyota and Starwood Hotels are all there—in the same way that corporations embraced the Internet not so long ago, when it was likewise hard for most to imagine commercial payoff.

Mr. Boyd, author of “The Business and Legal Primer for Game Development,” said the virtual world’s gaming economy alone is \$48 billion annually.

“The number speaks for itself,” he said. “But that doesn’t mean people are listening.”

In comparing blockbuster movies to blockbuster virtual world games, said Mr. Boyd, “no film property has begun to touch the revenues from ‘World of Warcraft.’”

Messrs. Boyd and Kane share their ideas and experiences at a growing number of conference around the country for listening lawyers.

Also for the attentive, there is a new fraternity—the Second Life Bar Association, which exists only in cyberspace at www.slba.info. The next scheduled event of the bar group is a June 24 teleconference, aptly titled “Why Virtual Worlds Matter for Lawyers.”

Mr. Pyne said he sees an analogy between virtual world gaming of his generation and the rise of professional sports during his grandparents’ generation. In each, great fortunes were and are



NYLJ PHOTO/RICK KOPSTEIN

Brian Pyne

possible—for those who create, and for those who counsel the creators.

At the moment, Mr. Pyne said, existing law is sufficient counsel. But perhaps new legal concepts will arise, in which case, he said, “We’ll have to trust [legal] scholars.”

Meanwhile, Mr. Pyne added, there is the appeal of “a certain mystery to all this.”

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