



## Steven E. Helland

SHAREHOLDER

Minneapolis

612.492.7113

[shelland@fredlaw.com](mailto:shelland@fredlaw.com)

### Services

Technology & Data

Artificial Intelligence

Intellectual Property

Start Up & Rapid Growth  
Enterprises (SURGE)

Data Protection &  
Cybersecurity

Life Sciences

Website Accessibility

Sports & Entertainment

Corporate

Finance & Securities

**Law at the intersection of information technology (IT), Internet, software, new media and advertising—this is where Steve has built his career and works with clients to build value, close deals and promote compliance.**

Steve chairs a multi-disciplinary group of lawyers, as the laws and marketplace dynamics impacting his clients cut across traditional lines. His areas of focus and experience include: copyright, licensing, contracts, Software as a Service (SaaS), cloud agreements, start-ups and entity formation, advertising, health IT, marketing, social media, privacy, security and breach issues, big data, and machine learning/artificial intelligence (A.I.).

In 2015, Steve founded the firm's Website Accessibility Group.

### Experience

- **Information Technology General Counsel:** Represented a web-based technology business with over 1,000,000 registered users on all IT matters including email vendor relationship, legal compliance, privacy and security issues. Drafted website Terms of Use and Privacy Policies for over 60 clients. Represented Bold Orange in startup and formation issues. Represented BentoBox in advertising, e-commerce, trademark and accessibility issues.
- **Social Media and Marketing:** Represented a major independent advertising agency in contract and compliance matters involving Internet, social media (Facebook, LinkedIn, YouTube, Twitter, Pinterest, Instagram), lead-generation, customer agreements, talent and rights issues. Represented a large health care provider regarding Internet reviews and defamation issues.
- **IT Services and Outsourcing:** Negotiated IT services, consulting and outsourcing transactions with Wipro, IBM, Gartner Group, Accenture, Infosys, Deloitte, Covansys, and BearingPoint. Example: Represented a private financial services company on cloud-based data storage, including access, security, disaster recovery and service level issues.
- **CRM and ERP:** Represented clients purchasing Customer Relationship Management (CRM) and Enterprise Resource Planning (ERP) software, systems, maintenance and other services from SAP, Oracle, Business Objects, Cognos, PeopleSoft, Siebel Systems, and Salesforce.com.

- **Website Accessibility / ADA Defense and Compliance:** Defended and advised over 50 website, app, and other technology owners regarding accessibility, Americans with Disabilities Act (ADA) and related claims. In addition to obtaining favorable settlements, I have counseled clients on risk-reduction and risk-mitigation programs related to accessible technology, including the use of live-user-audits, scanning tools, and Artificial Intelligence (A.I.) / machine learning to improve accessibility. Quoted in *Pioneer Press* and *Report on Medicare Compliance*.
- **Online Commerce & E-Commerce:** Represented a national clothing retailer in its IT, cloud, and licensing contracts with Epicor.
- **Electronic Medical Records, Practice Management, and Health Technology:** Represented over 50 health systems, hospitals, clinics and individual practices in transactions with EMR and other technology vendors such as Epic Systems, GE Healthcare, Allscripts, Cerner, McKesson, eClinicalWorks, Misys, Medinformatix, Eclipsys, NextGen, and A4 Health Systems. Counseled clients on disputes and litigation involving health IT, including poor performance by health IT vendors.
- **Consulting and Development Services:** Represented Minnesota companies providing consulting, software development, website development, and advertising services to large regional customers such as Target Corp., 3M, and Piper Jaffray.
- **M&A Involving Software, Websites, and Customer Data Assets:** Represented buyers and sellers in mergers and acquisitions transactions in which software, websites, or customer data are primary assets. Purchase price range: \$500,000 to \$200 million.
  - Example: Advised client Thomson Reuters on its acquisition of legal publisher O'Connor's.
  - Example: Advised consumer rewards website InboxDollars.com in its sale to Prodege.
  - Example: Advised GoKartLabs.com in its sale to West Monroe.
  - Example: Advised Stonearch Creative in its sale to Fishawack Health.
- **Cloud and Telecom:** Represented clients in transactions with the following vendors: Microsoft, AT&T, Verizon, Qwest, Google, HP, Double Click, Yahoo, Allant, Campbell Mithun, Avaya, T-Mobile, and Smart Reply.
- **Software Audit Defense Including BSA:** Represented over 50 small and large businesses in responding to and negotiating claims of illegal software installations and copyright infringement by Oracle, Microsoft, and the BSA (Business Software Alliance).
- **Entertainment, Education and Publishing:** Steve has been involved in the following film, television, multi-media, education and entertainment projects: Stay Then Go (film); Ryan Seacrest Productions (represented producer and talent in reality television production in-development); Nobody (film); A Prairie Home Companion (film); Building at a Crossroads (documentary); Million Dollar Idea (reality TV); Suspension (film). Represent education and video content platform TheBigKnow.com. Steve also represented Hazelden Publishing, the world's

largest publisher of addiction and recovery work, including related e-book publishing and apps. Media, IP and General Counsel to film and media production company Acowsay Film Company.

## Credentials

### Education

- University of Michigan Law School, J.D., 1996, *cum laude*
- Vassar College, A.B., 1991, *cum laude*
- University of Edinburgh, Scotland, 1998-1999

### Admissions

- Minnesota, 1996
- U.S. District Court for the District of Minnesota, 1996

## Recognition

- North Star Lawyer, Minnesota State Bar Association, 2015
- 40 Under Forty, *Minneapolis/St. Paul Business Journal*
- Rising Star, *Minnesota Law & Politics*

## Civic & Professional

### Professional Activities

- Society of Corporate Compliance and Ethics (SCCE)
- International Association of Privacy Professionals (IAPP)
- Minnesota Medical Group Management Association
- Minnesota Interactive Marketing Association
- Minnesota State Bar Association
- Hennepin County Bar Association, Computer Law Section
- Minnesota Film and TV Board, Past President of the Board

### Community

- Faith's Lodge, Past Board Member
- IFP Minneapolis/St. Paul, Past Board Member
- Givenet, Past Board Member

- Magazine Club, Co-Founder
- Girl Scouts, Minneapolis 1st Grade Troop, Assistant Troop Leader

## Speaking Engagements

Event | 04.24.2019

Health Law Webinar—Health Industry Website Accessibility

Event | 04.18.2019

Trending Accessibility and Reasonable Accommodation Issues for Businesses Under the Americans With Disabilities Act

Event | 01.10.2018

Health Law Webinar—Electronic Health Record: Contracting and Data Security

Event | 03.08.2017

Health Law Webinar—Nondiscrimination Update: Website Accessibility, Recent ADA Litigation and Section 1557 of the ACA

Event | 04.13.2011

Health Law Webinar—Legal and Business Tips for Negotiating an EMR/EHR Contract

## Legal Updates

Legal Update | 02.05.2021

Robinhood Sued in Class Action, Alleging Website Inaccessibility and Discrimination Against Blind Users

Legal Update | 11.06.2019

Retailers Sued Under ADA for Lack of Braille Gift Cards

## Publications & Presentations

Panelist, Artificial or Intelligent? The impact of generative AI on creative content, MIMA Event, February 16, 2023

Presenter, Website Accessibility: Understanding the Law, Responding to Demands & Practical Steps to Reduce Risk for Retail Websites, Minnesota Retailers Association, January 2023

Presenter, *How to Assess the Security of Your Vendors*, Data Privacy & Security Fundamentals Conference, Minnesota CLE, May 5, 2021

Moderator, The Nature of the Security Threat—Trends and Developments in 2021—And Lessons Learned, Midwest Legal Conference on Data Privacy & Security, February 10, 2021

Presenter, *Accessibility by Design*, Compliance and Ethics Institute, Annual Conference of the Society for Corporate Compliance and Ethics (SCCE), September 16, 2020

Co-Presenter, *Website Accessibility and ADA Compliance for Hospitals & Clinics*, Webinar for the Health Care Compliance Association, April 9, 2020

Panelist, *Influencer Marketing: The Good, The Bad and the Legal*, Hosted by Sarah Edwards and Some Great People, March 10, 2020

Presenter, *Website Accessibility: Practical Steps to Reduce Risk, Promote Compliance and Understand the Law*, Society of Corporate Compliance and Ethics (SCCE) Webinar, January 15, 2020

Co-Presenter, *Accessibility and Reasonable Accommodation: Trending Issues for Businesses*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Quoted in "Virtual Version of ADA Noncompliance is Fertile Ground for Lawsuits," *Report on Medicare Compliance*, April 29, 2019

Presenter, *Health Industry Website Accessibility: 2019 Lawsuit Trends and Practical Steps to Reduce Risk and Promote Compliance for Websites, Apps, Portals and Connected Devices*, Fredrikson & Byron Health Law Webinar Series, April 24, 2019

Co-Presenter, *Trending Accessibility and Reasonable Accommodation Issues for Businesses Under the Americans with Disabilities Act*, Fredrikson & Byron program co-hosted with Accessible360, April 18, 2019

"National Federation of the Blind Sues Epic Systems: New Chapter in Accessibility Litigation for Employers and Technology Vendors," *FredNEWS: Internet, Technology, Trademark & Advertising*, January 9, 2019

"Pioneer Press Reports: First Website Accessibility/ADA Lawsuits Hit Minnesota Courts," *FredNEWS: Internet, Technology, Trademark & Advertising*, October 12, 2018

Co-Presenter, *Making Your Website Accessible and ADA Compliant*, Minnesota Interactive Marketing Association Workshop, September 26, 2018

"The Standard Consent Agreement That Protects Sacha Baron Cohen," *FredNEWS: Internet, Technology, Trademark & Advertising*, July 20, 2018

"Major Defense Win in Website Accessibility/ADA Case," *FredNEWS: Internet, Technology, Trademark & Advertising*, April 25, 2018

"M&A Diligence Checklist: Don't Forget Website and App Accessibility," *FredNEWS: Internet, Technology, Trademark & Advertising*, March 23, 2018

Co-Presenter, *#CanWeSayThat? AdLaw Answers from Industry Pros*, Fredrikson & Byron Advertising Law Seminar, February 27, 2018

"Tech Platforms and Website Developers Targeted in Emerging Wave of Website Accessibility Litigation," *FredNEWS: Internet, Technology, Trademark & Advertising*, January 18, 2018

Co-Presenter, *Electronic Health Record: Contracting and Data Security*, Fredrikson & Byron Health Law Webinar Series, January 10, 2018

"Chicago Tribune Reports: McDonald's, Kmart and Grubhub Settle Mobile App and Website Accessibility Discrimination Lawsuits," *FredNEWS: Website Accessibility*, November 10, 2017

Co-Presenter, *Website Accessibility: Case Studies, State of the Law and Concerns for Corporate Counsel*, Association of Corporate Counsel Minnesota Lunch & Learn, October 11, 2017

"Class Action Plaintiff Targets Universities and Colleges for Website Accessibility Claims: Fordham and Three Others Sued in One Week," *FredNEWS: Website Accessibility*, September 26, 2017

"First Federal Trial on Website Accessibility: Winn-Dixie Violates ADA," *FredNEWS: Website Accessibility*, June 14, 2017

"Harsh Consequences for Dale Chihuly After Failing to Document IP Rights with Independent Contractor," *FredNEWS: Internet, Technology, Trademark & Advertising*, June 7, 2017

"Federal Court Holds ADA Applies to AmeriServ Bank Website," *FredNEWS: Website Accessibility*, May 24, 2017

Quoted in "What Do Snooki, Lindsay Lohan, and J.Lo Have in Common? The FTC Put Them on Notice," *Boston Globe*, May 9, 2017

Co-Presenter, *Is Your Website ADA Compliant and What To Do if it Isn't*, Bank Holding Company Association (BHCA) Spring Seminar, May 2, 2017

"Agencies: Are Influencers Getting You Into Hot Water with the FTC?," *FredNEWS: Advertising, Marketing & Trademark*, April 26, 2017

Co-Author with Marguerite Ahmann, "12 Deaf Plaintiffs Sue Banner Health for Lack of ASL Interpreters and Lack of Auxiliary Communication Aids," *FredNEWS: Website Accessibility*, March 20, 2017

Presenter, *Nondiscrimination Update: Website Accessibility, Recent ADA Litigation and Section 1557 of the ACA*, Health Law Webinar Series, March 8, 2017

Speaker, *Website Accessibility Litigation Explosion: Practical Tips from Legal and IT*, 3<sup>rd</sup> Annual Corporate Counsel Institute, February 10, 2017

"HCA, Owner of 100+ Hospitals, Sued for 'Inaccessible' Websites Violating ADA," *FredNEWS: Website Accessibility*, February 1, 2017

"Healthcare Sector is Newest Target for Website Accessibility Lawsuits," *FredNEWS: Website Accessibility*, January 18, 2017

Presenter, *Website Accessibility—Understanding the Law, Responding to Demands, & Practical Steps to Reduce Risk for Retail Websites Webinar*, Minnesota Retailers Association, December 6, 2016

Co-Author with Karla Reyerson, "Community Banks Threatened with Lawsuits for Alleged Inaccessible Websites," *Minnesota Bankers Association Magazine*, November/December 2016 (used with permission of the Minnesota Bankers Association)

Co-Author with Matthew Boos and Karla Reyerson, "Financial Services Industry Targeted in Wave of Lawsuit Threats Over Websites Allegedly Inaccessible to the Visually Impaired," *FredNEWS: Website Accessibility*, November 15, 2016

"WSJ Highlights 240 Website Accessibility Lawsuits Since 2015—Top 4 Mistakes They Didn't Mention," *FredNEWS: Website Accessibility*, November 4, 2016

Co-Presenter, *ADA Website Accessibility and Public Accommodations*, Fredrikson & Byron's 32nd Annual Employment & Labor Law Seminar, October 26, 2016

Co-Author with Karla Reyerson, "Risk of ADA Claims Rises as DOJ Contemplates New Website Compliance Standards," *FredNEWS: Bank & Finance*, September 1, 2016

"What's Behind E\*TRADE Accessibility Initiative and Press Release? Disability Lawyers Target Financial Industry for ADA Claims," *FredNEWS: Internet, Technology, Trademark & Advertising*, July 6, 2016

"Four Class Actions in 14 Days: Quick Serve, Fast Casual, Restaurant Industry Targeted for Alleged Inaccessible Websites," *FredNEWS: Web Accessibility*, May 27, 2016

"Legal First: California Court Holds Inaccessible Website Violates ADA," *FredNEWS: Internet, Technology, Trademark & Advertising*, May 19, 2016

"Class Action Targets BarBri Test-Prep Business for ADA/Accessibility Violations," *FredNEWS: Internet, Technology, Trademark & Advertising*, April 27, 2016

"Oklahoma Pizza Joint Serves Up Lawsuit on Carlson Lynch Law Firm," *FredNEWS: Internet, Technology, Trademark & Advertising*, February 8, 2016

"Steve Helland's Highlights from the Midwest Data Privacy & Security Conference," *FredNEWS: Internet, Technology, Trademark & Advertising*, January 18, 2016

*Privacy and Security Risks in Vendor and Supply Chain Contracts*, Midwest Privacy & Data Security Conference, Minnesota Bar Association, January 14, 2016

"Lawsuits Rise: Blind Plaintiffs Sue Additional Retailers for Website Accessibility/ADA Claims," *FredNEWS: Internet, Technology & E-Commerce*, December 28, 2015

"Department of Justice Delays Regulations on Website Accessibility," *FredNEWS: Internet, Technology & E-Commerce*, December 2, 2015

"E.U. Court Invalidates "Safe Harbor" Program: Companies Scramble for Plan B," *FredNEWS: Internet, Technology, Trademark & Advertising*, October 8, 2015

Co-Presented with Katherine M. Brennan, Optum Consumer Solutions Group, *Got an App for That! Health Plans in the Business of Consumer IT*, 2015 Health Law Institute, Minnesota Bar Association CLE, June 4, 2015

*How to Negotiate Your Starting Salary: Inside Tips and Mythbuster Edition, Pro Bono* Presentation for University of Minnesota Alumni Association, Carlson School of Management, April 28, 2015

"FTC Warning to Brain and Fitness App and Software Makers: Game / App Must Remove Unscientific Claims of Memory and Mental Fitness Improvement," *FredALERT: Internet, Technology, Trademark & Advertising*, January 27, 2015

"BSA's Misleading and Unsavory Tactics in Software Audits," *FredALERT: Internet, Technology, Trademark & Advertising*, December 19, 2014

"Responding to Software Audits by the BSA, SIIA and Other Technology Vendors: Legal Tips and Strategy," *FredALERT: Internet, Technology, Trademark & Advertising*, November 21, 2014

"TRUSTe, Inc. Not So Trustworthy: Privacy Certification Program Pays \$200,000 to Settle FTC Charge It Failed to Conduct Annual Recertifications As Promised," *FredALERT: Internet, Technology, Trademark & Advertising*, November 20, 2014

*Legal Guide to Privacy and Data Security*, Minnesota State Bar Association CLE, Legal Guide to Privacy and Data Security, August 18, 2014

Co-Presenter with Teresa Thompson, *Data Privacy & Security, Legal and Financial Implications*, Traust Executive Round Table, June 26, 2014

Co-Presenter with Ryan Miest, *Freelancers Don't Need Contracts*, Beers with Fred Series @ CoCo, June 17, 2014



Moderator, *Doing Business in the Cloud*, Fredrikson & Byron's Practical Perspectives, March 20, 2014

*Responding to a BSA or Vendor Software Audit, and Software Asset Management Strategy*, at Minnesota Computer & Technology Law Institute, November 19, 2013

*Data Privacy and Security: A View from the Board Room and C-Suite*, Data Privacy and Security for In-House Counsel, March 21, 2013

*Legal and Business Tips for Negotiating an EHR Contract*, Health Law Webinar, April 13, 2011

Quoted in "What to Do When You Receive a BSA Audit Letter," by Ericka Chickowski, *Baseline*, January 18, 2008

"Modern Legal Practice and the Internet," American Bar Association, Technology in the Workplace subcommittee, discussion paper with Paul Landry, 1998