

# WILL HILL TANKERSLEY JR.

PARTNER

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**WILL HILL TANKERSLEY** is a thirty year practitioner in the areas of intellectual property, unfair competition, restrictive covenants, technology and Internet disputes, and complex, commercial litigation.

*“Mr. Tankersley, founder and first chair of the Alabama State Bar Intellectual Property Section, is a frequent leader and participant in state legislative efforts as well as state and federal pattern jury instruction drafting for intellectual property and restrictive covenants.”*

## EDUCATION

- New York University School of Law, LL.M., 1989, Intellectual Property and AntiTrust
- The University of Alabama School of Law, J.D., 1986, Managing Board, Alabama Law Review
- Washington & Lee University, B.A., 1979, *magna cum laude*

## PROFESSIONAL AFFILIATIONS

- World Intellectual Property Organization (WIPO), Arbitrator, Internet Domain Name Disputes
- State of Alabama Deputy Attorney General Appointment, multiple Intellectual Property matters
- University of Alabama School of Law, Adjunct Professor, Trademarks and Unfair Competition  
He is often recognized in peer-reviewed surveys as a skilled lawyer in the areas of Intellectual Property, Anti-Trust, Business Restrictive Covenants, and Municipal Defense

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### PEER RECOGNITION

- Fellow to the Alabama Bar Foundation (Invitation only. Limited to 1% of the Bar), 2017 admittee
- Best Lawyers in America® 2018 for Trade Secret, Trademark and AntiTrust Law
- Best Lawyers in America® 2016 Alabama Trademark Lawyer of the Year
- Best Lawyers in America® 2016 Alabama Antitrust Lawyer of the Year
- AV® Preeminent® Peer Review Rated by Martindale-Hubbell
- “Best Lawyers in America” (Intellectual Property and Antitrust)
- “Alabama Super Lawyer” (Intellectual Property)
- Birmingham Magazine “Top Attorney” (Intellectual Property)
- “Best in [Birmingham] Bar” (Intellectual Property)
- Birmingham Business Journal “Veteran of Influence”
- Alabama Law Foundation (Invitation only after nomination process; restricted to 2% of the Alabama Bar)
- Alabama Law Institute (Limited Membership, Invitation Only)

### PATTERN JURY INSTRUCTION DRAFTING

Tankersley has served as a leader or a participant on six (6) pattern jury instruction drafting committees: Copyright (11th Circuit) (leader) (original and quadrennial update), Trademarks (11th Circuit) (participant) (original and quadrennial update), (Federal) Defend Trade Secrets Act (leader), Trade Secrets Act 1 (Alabama) (leader), Right of Publicity (Alabama) (leader), and Business Restrictive Covenants (Non-Compete, Non-Solicit, No-Hire, etc.) (leader). He is the only lawyer to have served on more than one of these IP and Fair Competition Pattern Jury Instruction drafting committees.

### DEPUTY ATTORNEY GENERAL APPOINTMENTS

The State of Alabama hired Tankersley as a specially appointed Deputy Attorney General to defend the State in a long running copyright case (Thompson v. Town of Double Springs, et al) as well as to assist in other IP matters. He has also assisted the State of Alabama Banking Department on software performance issues.

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### LAW SCHOOL ADJUNCT PROFESSOR

Tankersley is an adjunct professor at the University of Alabama School of Law on the subject of Trademarks and Unfair Competition.

### LEGISLATION

Tankersley is a 2011 inductee into the Alabama Law Institute (“ALI”), a legislatively created organization to work on the study, modification and passage of legislation. In 2016, Tankersley was elected to a second term on the ALI. Membership is by invitation only and approval of the ALI leadership and is limited to a maximum of 150 members of the Alabama State Bar Association. The ALI is further limited to six (6) practicing lawyers in each Congressional District. The ALI is comprised of private practice lawyers, justices of the Alabama Supreme Court, judge of the courts of appeals and circuit courts, federal judges domiciled in Alabama, (lawyer) members of the state legislature, full-time law faculty members of Cumberland Law School and the University of Alabama School of Law.

#### Tankersley’s work with the ALI has included:

- Alabama’s first ever (proposed legislation) on Contractual Non-Disparagement Obligations (“NDO’s”) (pending)
- Alabama’s first ever “Right of Publicity” Act (Committee Chairman; passed into law 2015)
- First revision of Alabama’s “Restrictive Covenant” (e.g., non-compete agreements) Act since 1930 (Committee Chairman; passed into law in 2015)
- “E-Sign” legislation for Internet transactions
- The first revision to the Alabama state Trademark Act since its original passage
- The Alabama version of the Interstate Deposition and Discovery Act
- The Alabama version of the Foreign-Country Money Judgments Recognition Act

### NON-COMPETE

Tankersley has litigated many post-employment restraint (sometimes known as “non-compete,” “non-solicitation” or “no-hire”) agreements. He was selected by the Alabama Law Institute to lead a group of talented lawyers, law professors and judges in drafting the first comprehensive Alabama state legislation on post-employment restraints. After more than four years of effort, the legislation passed in the 2015 legislative session and became effective January 1, 2016. In 2018, Tankersley led a blue-ribbon drafting committee for Alabama’s first ever pattern jury instructions for these types of cases.

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### RIGHT OF PRIVACY/PUBLICITY

Tankersley has enforced, defended or advised in numerous matters involving “Right of Privacy” (known as the “Right of Publicity” in some jurisdictions). He was selected by the Practicing Law Company (“PLC”) to write the Alabama chapter for the PLC nationwide survey of Right of Publicity law. The Alabama Law Institute has selected Tankersley to draft Alabama first comprehensive statute on “RIGHTS OF PUBLICITY” (The right to control one’s name or likeness. This project is in the early stages. The goal is to have draft legislation prepared in time for the 2015 Alabama Legislative Session.

### FRANCHISING

Tankersley represented the founder of Steak-Out, a national franchise company, in a long-running, complex IP and franchise case.

### STATE BAR IP WORK

Over ten years ago, he led the task force that founded the Intellectual Property, Entertainment & Sports Law Section of the Alabama State Bar. Tankersley was the first Chair of that Section.

### PRO BONO WORK

Tankersley has represented the Dexter Avenue King Memorial Church in Montgomery, Alabama (the only church where Rev. Martin Luther King Jr. served as a pastor) as well as the 16th Street Baptist Church in Birmingham, Alabama. He has performed substantial pro bono work for The Montgomery Area Business Committee for the Arts (“MABCA”).

### MILITARY SERVICE

After college and before law school, Tankersley served four years as a Regular Army Commissioned Officer in the Infantry and Special Forces. He served in the Alabama National Guard and U.S. Army Reserves for an additional seven years for a total of eleven years of service. In 1991, after eleven (11) years of service, Tankersley took inactive status having achieved the rank of Major. In 2017 he was named a “Veteran of Influence” by the Birmingham Business Journal. He holds the following military qualifications: Airborne, Ranger, Jumpmaster, Senior Parachutist, Pathfinder, Expert Infantryman, German Parachutist, and Special Forces Officer’s Course.