Startups & Emerging Companies

Start. Run. Grow. Protect. Profit.

We represent startup and emerging technology companies from the inception of their ground-breaking ideas and innovative technology through their many stages of growth and development, to the culmination of their liquidity events. Our clients regularly interface with Morse attorneys across multiple practice groups to ensure that their current needs are met while a solid corporate foundation is built, all based upon sound legal advice and our proven business acumen.

Our work with startups encompasses advice with respect to (i) the critical considerations related to corporate formation and choice of entity; (ii) equity allocation among founders and vesting; (iii) the adoption of an equity incentive plan to attract and retain key people; and (iv) the various critical agreements that are necessary for establishing a strong foundation for growth, such as consulting agreements, employee agreements, and non-disclosure agreements. Additionally, our tax lawyers carefully help clients adopt tax-favorable structures for the entity, its founders, and its investors.

During this period we also assist companies with important decisions regarding their intellectual property. We frequently call upon attorneys from our Intellectual Property Practice Group to ensure that critical intellectual property assets are properly identified and protected. In parallel, clients often require our guidance with respect to early stage funding such as angel or seed-stage venture capital. We help structure these transactions and we advise our clients on all aspects of the financing process, including assisting them in choosing the most appropriate form of security, such as convertible notes, SAFEs (simple agreement for future equity), and series seed preferred stock.

The clients that spend their seed financing wisely soon find themselves navigating the more exacting venture capital fundraising process. Our attorneys thoroughly understand all the terms inherent in a venture capital financing, and are highly skilled in guiding clients through these critical transactions. Our lawyers appreciate the fact that venture capital investors are also long-term business partners of the emerging companies in which they invest. With this in mind, we help our clients maintain focus on the big picture throughout these milestone events, always aware that the person sitting across the table will soon be on the same side. A successful venture financing leaves all parties feeling energized at the onset of what is often a long and exciting journey together.

With institutional financing secured, our clients then have the resources to “build out” the company. This includes hiring key people in all departments, and moving more deeply into the

Team

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commercial phase of building the business. During this phase of the lifecycle, as more specialized needs arise, we bring the full range of complementary services to bear for our clients' needs, including our Employment Group and our Licensing & Commercial Contracts Group. This is often a period of significant change, with new people joining the team, others leaving, and emotions running high as the client pushes to establish commercial viability in the market to set up for a successful next-stage funding, or perhaps to establish positive cash flow.

As a company expands its team and brings its products to market, it may fairly be described as "emerging". It is shedding its startup roots and taking on the appearance and organization of a more mature company. It is not yet likely to be completely free of the need for outside capital, and the company still might be constantly refining and revising its product and go-to-market strategy. However, these internal changes tend to be less noticeable from outside the company, and, from all outward appearances, the course is steady and fast-paced, as the company strives to become a consequential player in its field. A new company that successfully attracts business from already-established competitors, and that makes its presence widely felt in the marketplace, will attract the attention of strategic buyers and will likely have opportunities to consider merger & acquisition liquidity event options. The expertise of our merger & acquisition practice group is vital at this stage of development; our seasoned attorneys deftly lead our emerging company clients through the high-stakes game of a successful exit. Alternatively, for clients that choose to remain independent, our team will adapt their advice to the needs and preferences of the client, including providing advice in connection with an IPO.

Regardless of where your company currently falls along the emerging company spectrum, we invite you to contact us to learn more about how our team-oriented approach can help you achieve your goals.