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Security is Only as Good as the Weakest Link

Presented By: Danielle DavisRoe, Esq.
ddavisroe@affinityconsulting.com

SMART BUSINESS STRATEGIES FOR THE LEGAL WORLD.

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PRACTICEHQ

The New Jersey State Bar Association's Practice HQ is a free member resource designed to help you build and maintain a successful, thriving legal practice.

Look around to find checklists, whitepapers, videos, and other resources available to you as a NJSBA member.

EMAIL HOTLINE FOR NJSBA MEMBERS

We know that you need access to someone to answer questions and help guide you down the right path. Send your question to an Affinity Consultant who will respond within 48 hours. Just [CLICK HERE](#).

REMOTE CONSULTATIONS

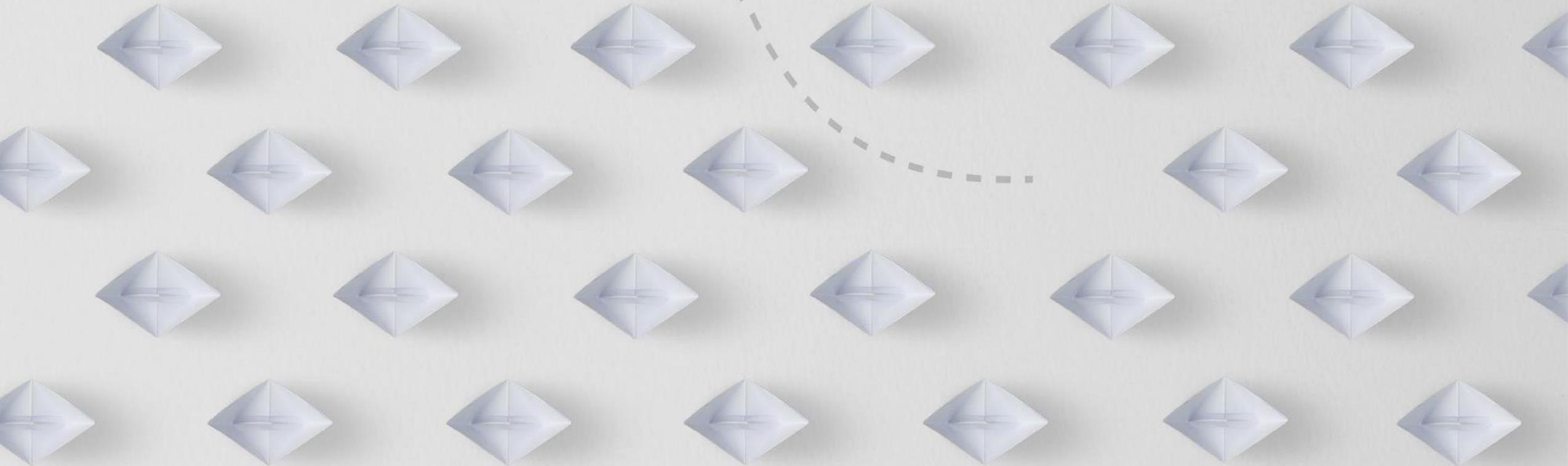
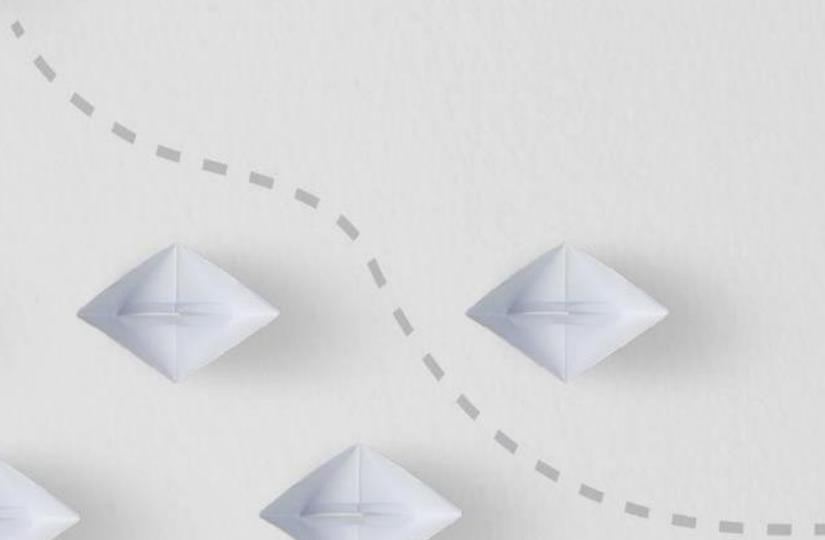
Talk with an expert for 30 minutes on a phone consultation to find an answer to your practice challenges. To schedule a consultation, [CLICK HERE](#).

[Opening/Closing Firm](#)[Client Development](#)[Documents](#)[Technology](#)

How prepared are you?



THE MODERN LANDSCAPE



What Has Changed in the Last 15 Years?



Speed



Mr. Henley:

I sent you an email Monday and Tuesday but didn't hear anything back so I wanted to send you an email to make sure you were getting my email. Let me know and thanks!

JOHNATHAN E. MEYERS, Attorney / JMEYERS@swaggermeyers.com / www.swaggermeyers.com
Phone (425) 246-7020 / Fax (425) 246-5268 / 100 Smith Road North, Seattle, WA 98054

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Electronic Resources



Ethical Issues in the Digital Age: Navigating E-Discovery Challenges

By Elizabeth E. McGinn and Kristopher Knabe – November 1, 2012

Today's technological changes have fueled an explosive growth of electronically stored information (ESI). For attorneys, these shifts in technology have fundamentally altered the practice of discovery, presenting new and complicated ethical challenges not encountered in the paper world. To manage the e-discovery process, attorneys increasingly require assistance from vendors, contract attorneys, and in-house counsel. Many attorneys struggle to monitor these complex relationships, and sanctions for e-discovery violations have become increasingly common. See Dan H. Willoughby Jr., Rose Hunter Jones, Gregory R. Antine,

Electronic Forms - Federal



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Court Records

★ Electronic Filing (CM/ECF)

FAQs: CM/ECF

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Electronic Filing (CM/ECF)

Attorneys and other filers can submit files to the court electronically using the federal courts' Case Management and Electronic Case Files (CM/ECF) system.

About CM/ECF

The federal judiciary's Case Management/Electronic Case Files (CM/ECF) system allows case documents, such as pleadings, motions, and petitions, to be filed with the court using a computer and Internet connection. This process gives the courts a way to easily manage these files electronically.

Gain Access to CM/ECF

Find a Courthouse

-- Court Type --

City, State or ZIP Code GO

Court Locator

Data Loss or Disclosure



'Cryptolocker' Virus Holding Law Firm Data For Ransom

By Y. Peter Kang

Law360, Los Angeles (March 9, 2015, 6:49 PM ET) -- A California law firm was the victim of a "Cryptolocker" cyberattack in which unknown hackers attempted to hold data for ransom, according to a notice recently filed with the California Attorney General's office.

Law Firm Pays \$2500 to Get Data Back After Ransomware Attack

Categories: ABA TECHSHOW



Thomas Brown of The Brown Firm in Florida was yet another victim of a ransomware attack which encrypted his data, leaving him out of business and without access to his data. The cybercriminals demanded \$2500 in bitcoin for the decryption key. The firm said that they had to pay up or lose all their data so they paid up – and got the decryption key.

Lawyerist.com

Email

Home Topics Newsletter Law Firm Websites Podcast Q&A Forum

Ransomware Hackers Hit Law Firm, Demand Bitcoin, Get Paid

By Sam Harden on February 17th, 2016

SECTIONS

THE AMERICAN LAWYER

DLA Piper's Hack Attack Could Cost 'Millions'

James Booth, Legal Week

July 7, 2017 | 0 Comments

SHARE

PRINT

REPRINTS



Photo: Diego M. Radzinski/ALM

DLA Piper is still recovering from last week's massive cyberattack, with insurance brokers claiming that the resulting upheaval could lead to costs "in the millions" for the firm.

MOSSACK



FONSECA



If you see this text, then your files are no longer accessible, because they have been encrypted. Perhaps you are busy looking for a way to recover your files, but don't waste your time. Nobody can recover your files without our decryption service.

We guarantee that you can recover all your files safely and easily. All you need to do is submit the payment and purchase the decryption key.

Please follow the instructions:

1. Send \$300 worth of Bitcoin to following address:

1Mz7153HMuxXTuR2R1t78mGSdzaAtNbBWx

2. Send your Bitcoin wallet ID and personal installation key to e-mail wowsmith123456@posteo.net. Your personal installation key:

DH3THk-J4wFvR-VJmTap-25P6W5-Ligtsd-KfBUou-AT8DLv-HRmnxq-PF2kdb-c5HHmC

If you already purchased your key, please enter it below.

Key:

Data Loss or Disclosure

- Human Error
- Hardware Failure - Flaw or Defect
- Fire or Natural Disaster
- Temperature
- Virus / Ransomware / Malware
- Synchronization Issues
- Criminal Acts of Others (hackers, etc.)
- Malicious Acts of Employees

Today's Lawyers

Deal With Incredible Amounts of Electronic Data

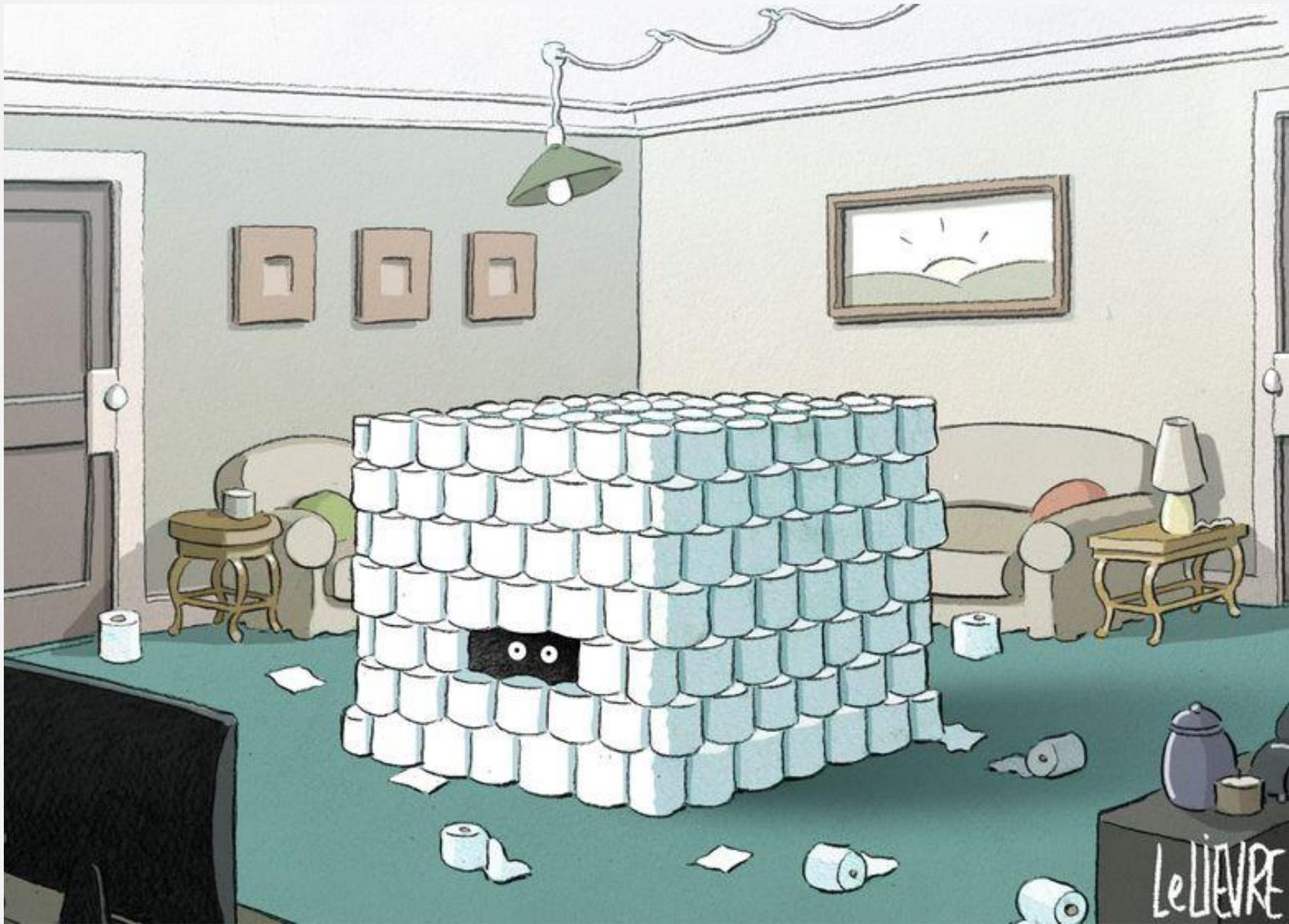
You Normally Work Out of an Office







Now?



Rules of Professional Conduct



RPC 1.6(a) – Confidentiality

A lawyer shall not reveal information relating to the representation of a client unless the client consents after consultation, except for (1) disclosures that are impliedly authorized in order to carry out the representation, (2) disclosures of information that is generally known,

RPC 1.6(f) – Confidentiality

A lawyer shall make **reasonable efforts** to prevent the inadvertent or **unauthorized disclosure of, or unauthorized access to**, information relating to the representation of a client.

RPC 1.6 – Comment

Paragraph (f) requires a lawyer to act competently to safeguard information, including electronically stored information, relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons or entities who are participating in the representation of the client or who are subject to the lawyer's supervision...

RPC 1.6 – Comment (cont.)

The unauthorized access to, or the inadvertent or unauthorized disclosure of, confidential information relating to the representation of a client does not constitute a violation of paragraph (f) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use)....

RPC 1.6 – Comment (cont.)

...A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent in writing to forgo security measures that would otherwise be required by this Rule...

Rule 5.1 – Responsibilities

(a) Every law firm, government entity, and organization authorized by the Court Rules to practice law in this jurisdiction shall make reasonable efforts to ensure that member lawyers or lawyers otherwise participating in the organization's work undertake measures giving reasonable assurance that all lawyers conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

Rule 5.1 – Responsibilities

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) the lawyer orders or ratifies the conduct involved; or

(2) the lawyer having direct supervisory authority over the other lawyer knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Rule 5.3 – Nonlawyer Assistance

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) every lawyer, law firm or organization authorized by the Court Rules to practice law in this jurisdiction shall adopt and maintain reasonable efforts to ensure that the conduct of nonlawyers retained or employed by the lawyer, law firm or organization is compatible with the professional obligations of the lawyer.

Rule 5.3 – Nonlawyer Assistance

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

Rule 5.3 – Nonlawyer Assistance

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or ratifies the conduct involved; or

(2) the lawyer has direct supervisory authority over the person and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action; or

(3) the lawyer has failed to make reasonable investigation of circumstances that would disclose past instances of conduct by the nonlawyer incompatible with the professional obligations of a lawyer, which evidence a propensity for such conduct.

What Constitutes...

- Reasonable Efforts
- Acting Competently

THE WALL STREET JOURNAL.

Hackers Breach Law Firms, Including Cravath and Weil Gotshal

Investigators explore whether cybercriminals wanted information for insider trading

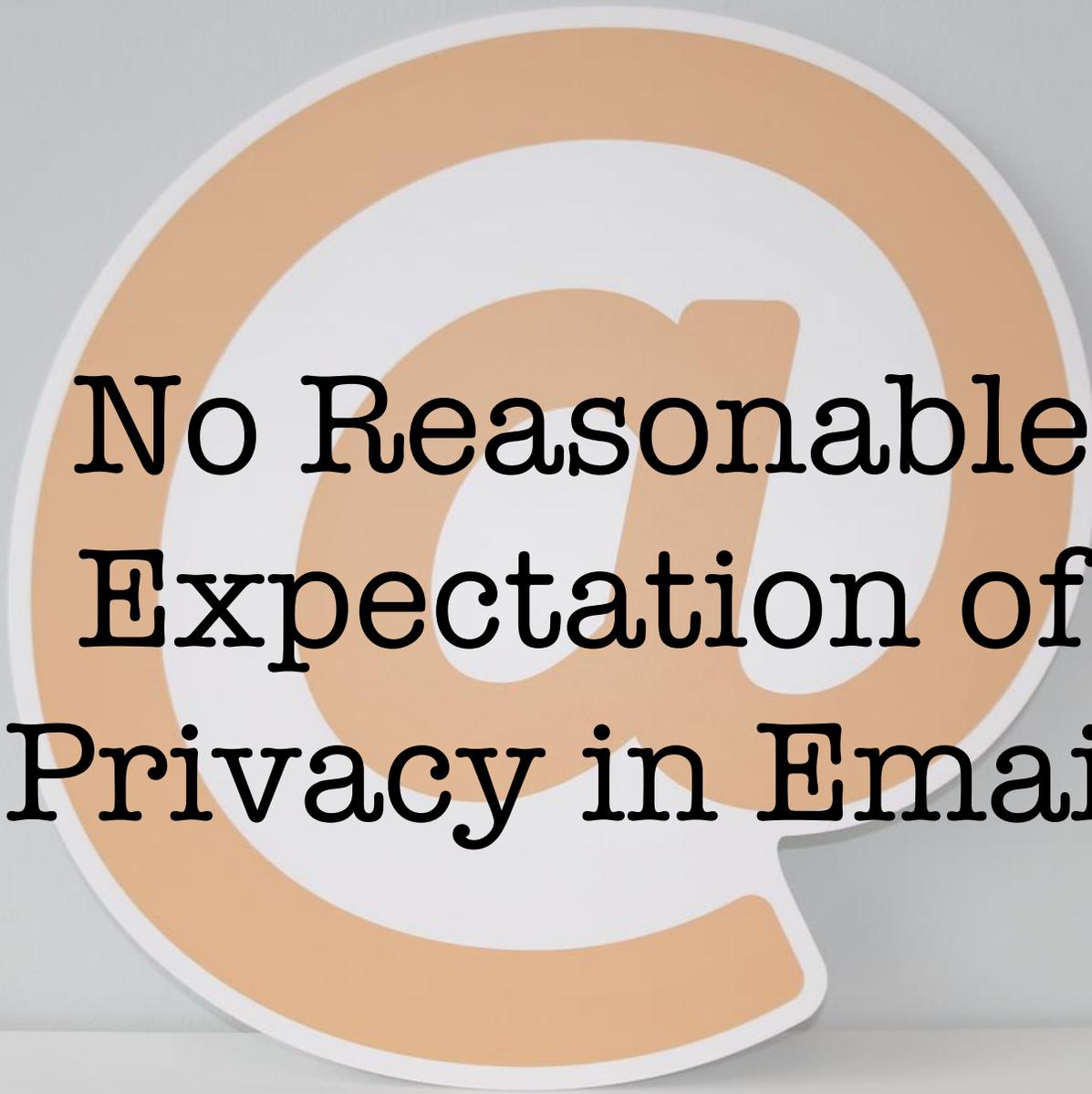
By [NICOLE HONG](#) and [ROBIN SIDEL](#)

Updated March 29, 2016 9:14 p.m. ET

Hackers broke into the computer networks at some of the country's most prestigious law firms, and federal investigators are exploring whether they stole confidential information for the purpose of insider trading, according to people familiar with the matter.

Confidentiality

- Information is Either Confidential or Not (It's Not a 1 to 10 Scale)
- Lawyers are Not Qualified to Judge **Sensitivity** of Client Data or **Likelihood of Disclosure**
- If lawyers find it too expensive or difficult to protect client data, **then they shouldn't be in possession of it.**



No Reasonable Expectation of Privacy in Email

Ask Your Clients...

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: [REDACTED]

First, I am hugely concerned by the total disregard by your office for my confidential personally identifiable information (PII) contained in this document, unsecured, unencrypted and dallied about the Internet in plain text. This is a flagrant disregard for privacy laws and has exposed me to potential identity theft.

I must instruct you to immediately cease and desist. You are not to expose my full contact information, date of birth and social security number to the Internet again for any purpose. You are to immediately take every reasonable commercially available precaution to protect my PII from misuse.

If you do not know or understand your privacy violations in this matter, please contact me separately.

Do not share this document with anyone - including me - via the Internet, including email transmissions, without either 1) removing confidential PII, and/or 2) encrypting these contents to commercially reasonable levels.

[REDACTED]

[REDACTED] First Set of Interrogatories.DOCX>

Ignorance is No Defense...

Most States Now Require Tech Competence for Lawyers. What Does That Mean For You?

February 9, 2017 by [Sarah Andropoulos](#)

Conclusions

The constantly evolving world of technology may seem like an overwhelming new frontier, especially as it relates to the already complex ethical rules that attorneys must follow. The challenge of complying with new ethics and technology standards can seem even more difficult given the somewhat general wording of applicable rules.

However, and while the discussion above does not provide an exhaustive guide to compliance in this area, the clear takeaway for today's lawyers is that they will be unable to claim ignorance in the event of a technology-related ethical lapse, and must undertake reasonable efforts to use technology in a manner that is consistent with their professional responsibilities.

Reasonable Steps

You need to understand the risks & benefits of relevant technology.

1:38-7. Confidential Personal Identifiers

(a) Definition of Confidential Personal Identifiers. A confidential personal identifier is a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number, or information as to an individual's military status.

(e) Redaction of Required Personal Identifiers. When confidential personal identifiers as defined in R. 1:38-7(a) are required by statute, rule, or court order to be included in documents or pleadings, such identifiers shall be redacted before public inspection is permitted. This redaction requirement, however, does not apply to driver's license numbers that the New Jersey Motor Vehicle Commission requires in documents pertaining to the suspension and reinstatement of licenses.

Reasonable Steps (cont.)

- Do you have the right software?
- Are the instructions written down?
- Does the person doing it know how?

Reasonable Steps (cont.)

If you're a supervising lawyer,
you must ensure that:

- All subordinate lawyers are following protocol (Rule 5.1)
- All non lawyers associated with you are following protocol (Rule 5.3)

Foxit

KOFAX

 pdfDocs



PDF Files are Editable

Not Changeable...
Only if You Lock Them.

Permissions

Restrict editing and printing of the document. A password will be required in order to change these permission settings.

Change Permissions Password:

Printing Allowed:

Changes Allowed:

Enable copying of text, images, and other content

Enable text access for screen reader devices for the visually impaired

Reasonable Steps (cont.)

Tech Competency Training:

- How to remove **metadata** from a Word file
- How to **redact** something on a PDF
- How to run a **redline**
- How to **e-file**
- How to **Bates number** documents
- How to **edit** complex documents
- How to conduct electronic **legal research**
- How to **look up information** on internal systems

Some Statistics

Percentage of lawyers who use mobile devices for law-related tasks while away from primary workplace:

- 91% use a smartphone
- 49% use a tablet
- 84% use a laptop

Cell Phones

36% of people have lost a smartphone due to theft or carelessness

HOW PHONES ARE MOST COMMONLY STOLEN

If this happened to you, chances are you left it behind in a public place.



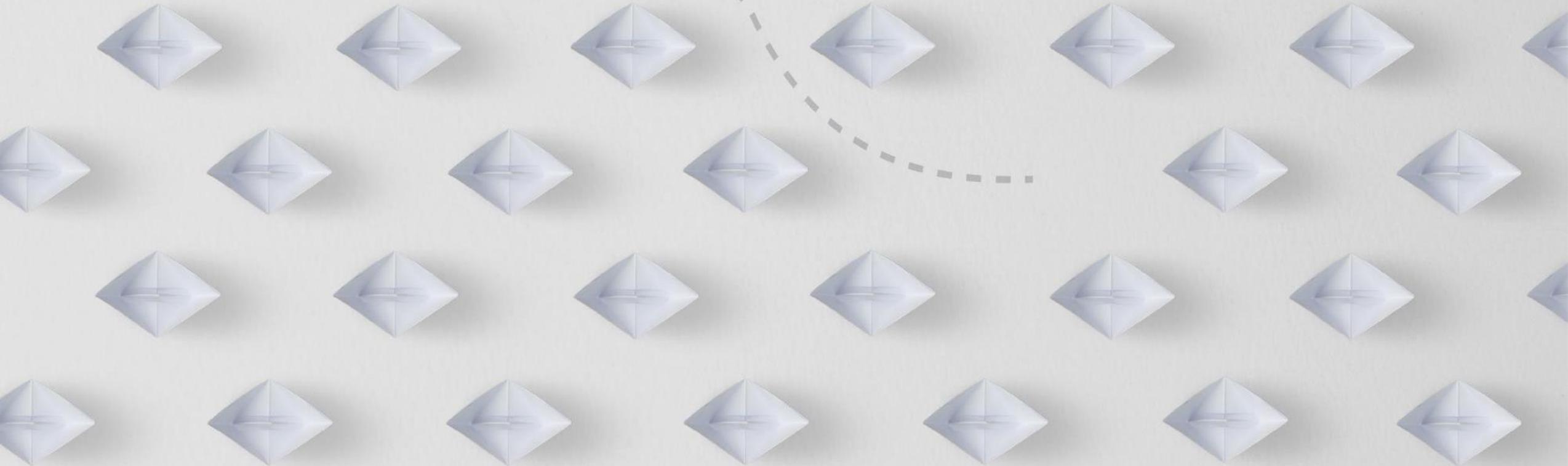
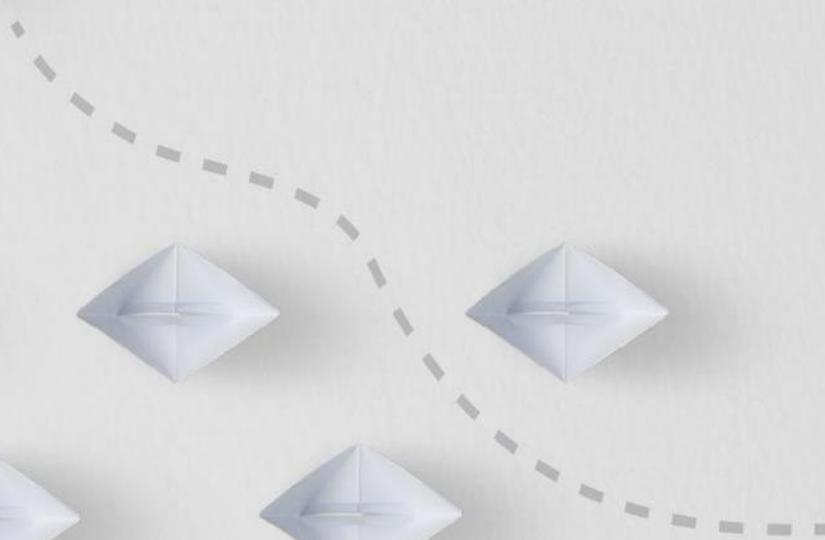
Encryption Defined

Encryption is the process of converting data to an unrecognizable or 'encrypted' form. It is commonly used to protect sensitive information so that only authorized parties can view it. This includes files and storage devices, as well as data transferred over wireless networks and the Internet.

...

An encrypted file will appear scrambled to anyone who tries to view it. It must be decrypted in order to be recognized. Some encrypted files require a password to open, while others require a private key, which can be used to unlock files associated with the key.

RECOMMENDATIONS



New Jersey Breach Notification Law

- PL 2109, c.95

Personal information includes:

- Social Security number.
- Driver's license number or state-identification card number.
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.
- User name, email address, or any other account holder identifying information, in combination with any password or security question and answer that would access to an online account.

New Jersey Breach Notification Law

Notice may be provided by one of the following methods:

- Written notice; or
- Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. § 7001 (E-SIGN Act).
- For breaches involving online account credentials only, in “electronic or other form.”
- Except for breaches involving credentials for an email account, which must be provided via written notice or via online delivery when the customer is connected to the online account from an IP address or online location from which the business or public entity knows the customer customarily accesses the account.

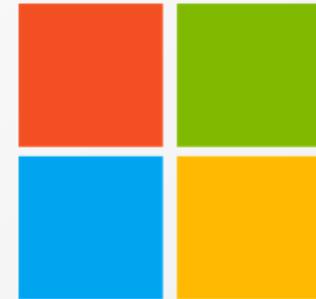
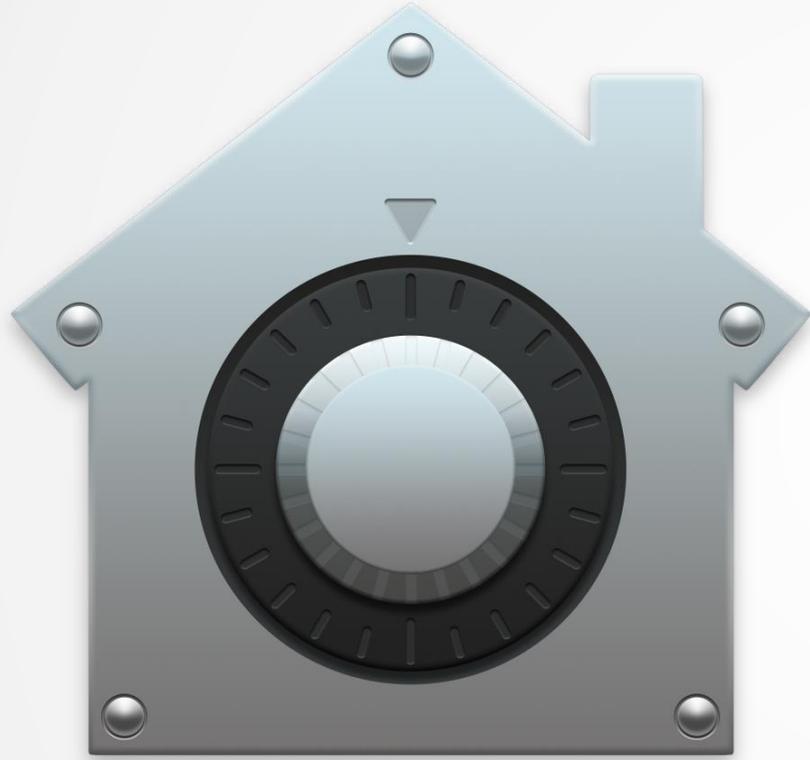
Lockdown Your Phone

- Enable Encryption
- Anti-Malware software
 - Lookout
 - Kaspersky
 - McAfee
- Geo-Locate & Remote Wipe
- Backup Your Data

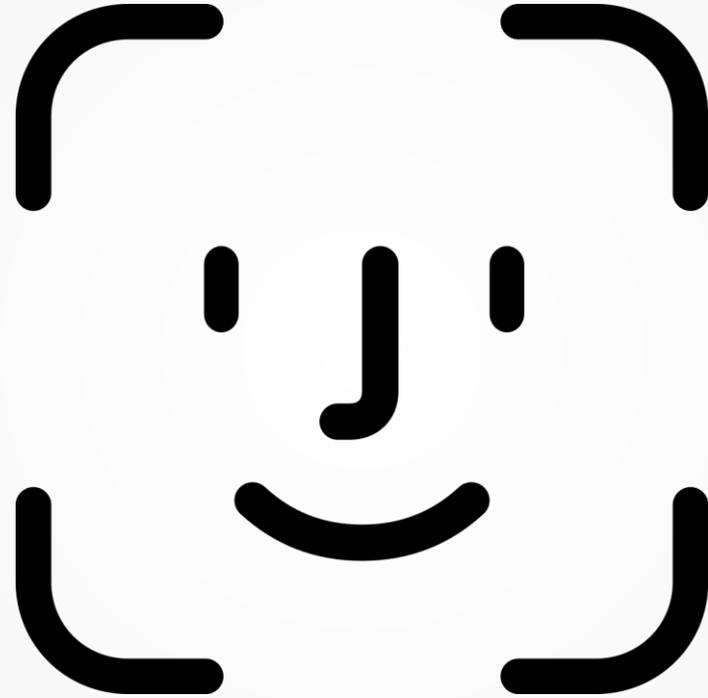
Free “Find My”



Drive Encryption



Laptops with Built-In Security



Notebook Locks



Asset / Recovery Tags



English (North America) | [Report a Theft](#) | [Renew](#) | [Download](#) | [Login](#)

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That's what you get with the only security solution that both locates your missing device and gets it back to you. And it's virtually tamper-proof. Our patented Persistence technology can survive a factory reset or hard wipe.

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Asset / Recovery Tags



PACKS LUGGAGE KEYS MOBILE TOUCH-AID  

English 

ReturnMe Packs

Protect more of your items with ReturnMe packs, which bundle many of our most popular recovery tags while offering you valuable savings.



Gadget Pack – \$19.99



Starter Pack – \$19.99



Travel Pack – \$59.99



3M Privacy Screens

Filter Results By

Product Family

- Framed Black Privacy (13)
- Gold Privacy (37)
- High Clarity Privacy Filter (26)
- Black Privacy (167)
- Anti-Glare (3)
- Ultra-Clear (5)

Device Type

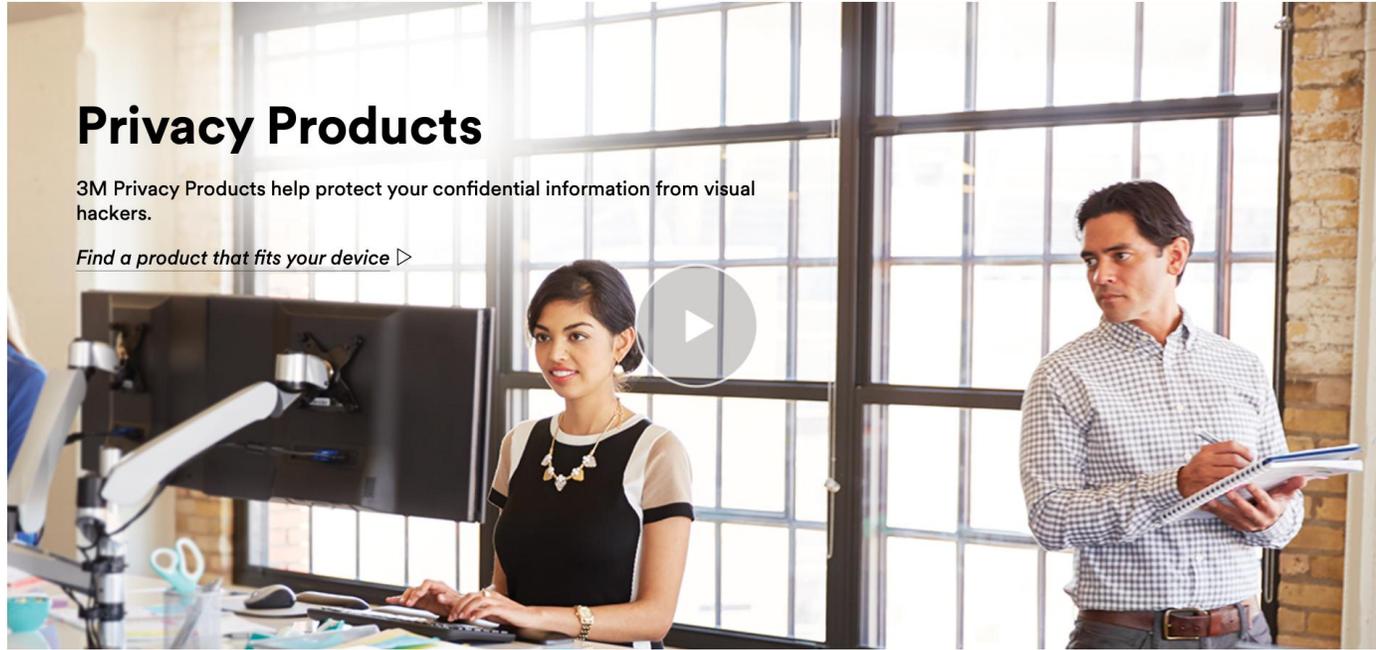
- Monitors (94)
- Laptops (60)
- Tablets (16)
- Smartphones (21)

250 Results

Privacy Products

3M Privacy Products help protect your confidential information from visual hackers.

Find a product that fits your device ▷



Science. Applied to keeping visual hackers in the dark.

Help keep login credentials, payroll information and other sensitive data private with 3M™ Privacy Products. Innovative technology from 3M prevents visual hackers from stealing sideways glances at your screen, while providing a crisp, clear view for intended users.

- Ingenious microlouver technology "blacks out" side views
- Crisp, clean image clarity when directly in front of the screen
- Available for most devices, brands and screen sizes

Advanced privacy. Enhanced clarity.



Feedback

CARBONITE®

an **opentext™** company

1 TO 3 COMPUTERS

FROM

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billed annually

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UP TO 25 COMPUTERS

FROM

\$24 / MONTH

billed annually

[Buy now](#)

COMPUTERS + SERVERS

FROM

\$50 / MONTH

billed annually

[Buy now](#)

Features

Automatic cloud backup



Award-winning support, 7 days/week



External Hard Drive backup

Optional



Remote file access to computer files



Encryption

128-bit

128-bit

128 or 256-bit

FERPA, GLBA & HIPAA support



Centralized management & admin controls



Image Backup and Bare Metal Restore



Backup for databases & applications

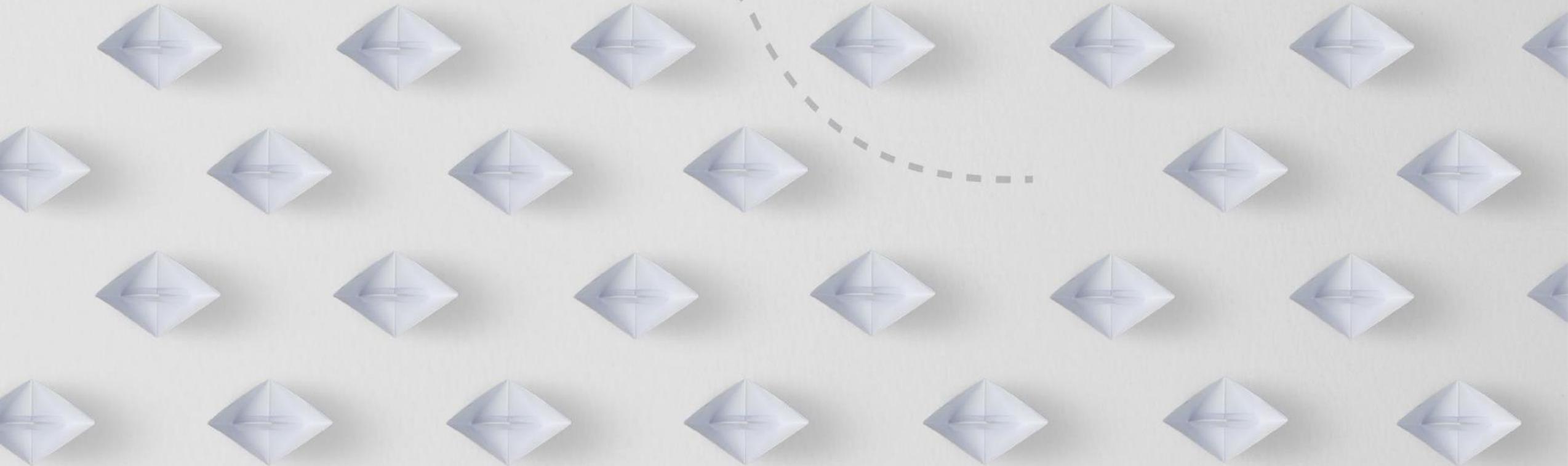
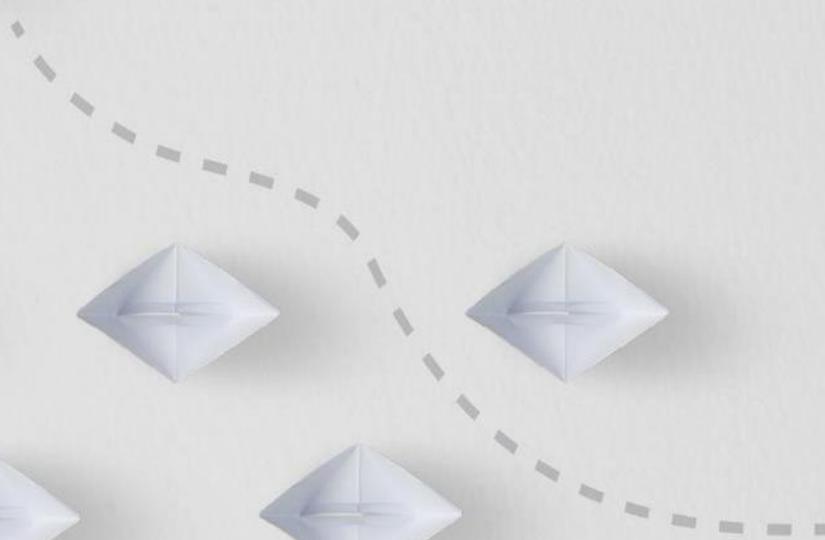


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[Start business trial](#)

FIRM POLICIES



Required Policies

- Internet use - <http://tinyurl.com/6srzvsg>
- Social media
- Document retention
- Secure password – 12 characters, mixed case, at least 1 number & 1 symbol
- Disaster recovery plan - <http://tinyurl.com/3b7sxdn>
- Mobile security

1Password



LastPass . . . |

Password Managers

- Too many passwords and logons to track
- Strong passwords
- Use different passwords for different services
- Holds credit cards
- Holds any kind of personal info

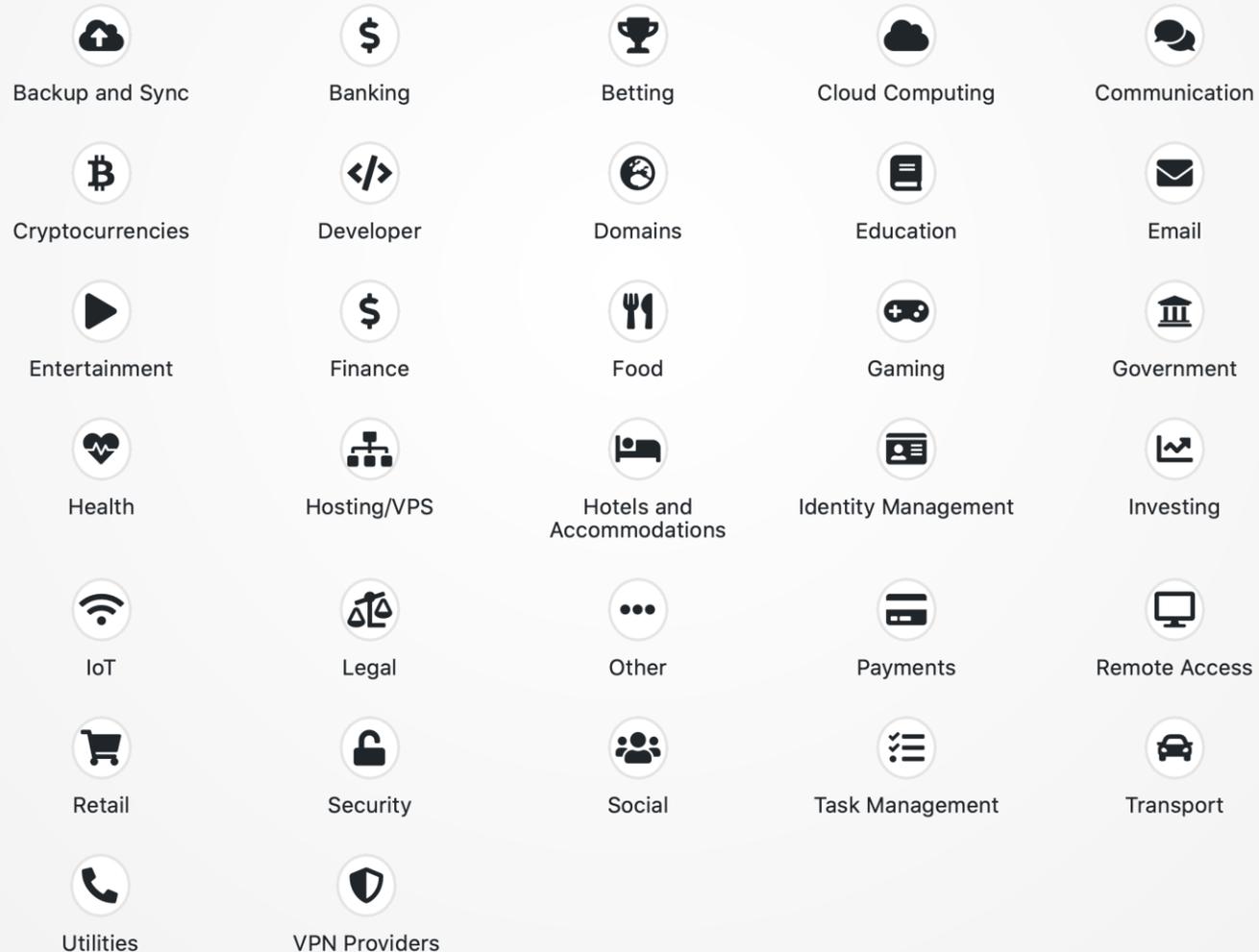
2-Factor Authentication

Requires 2 authentication factors to verify identity

- **Knowledge** factors – something you know
- **Possession** factors – ID card, security token or smartphone
- **Inherence** factors – biometrics

2-Factor Authentication

<https://twofactorauth.org>



Monitor Internet Usage

Forbes / Entrepreneurs

JUL 31, 2015 @ 05:39 PM 18,140 VIEWS

Wasting Time At Work: The Epidemic Continues

- 31% waste roughly 30 minutes daily
- 31% waste roughly 1 hour daily
- 16% waste roughly 2 hours daily
- 6% waste roughly 3 hours daily
- 2% waste roughly 4 hours daily
- 2% waste 5 or more hours daily

Which means, according to Salary.com contributor Aaron Gouveia, that 4% of people surveyed waste at least half the average workday on non work-related tasks. *Half.*

Wasting Time At Work: The Epidemic Continues

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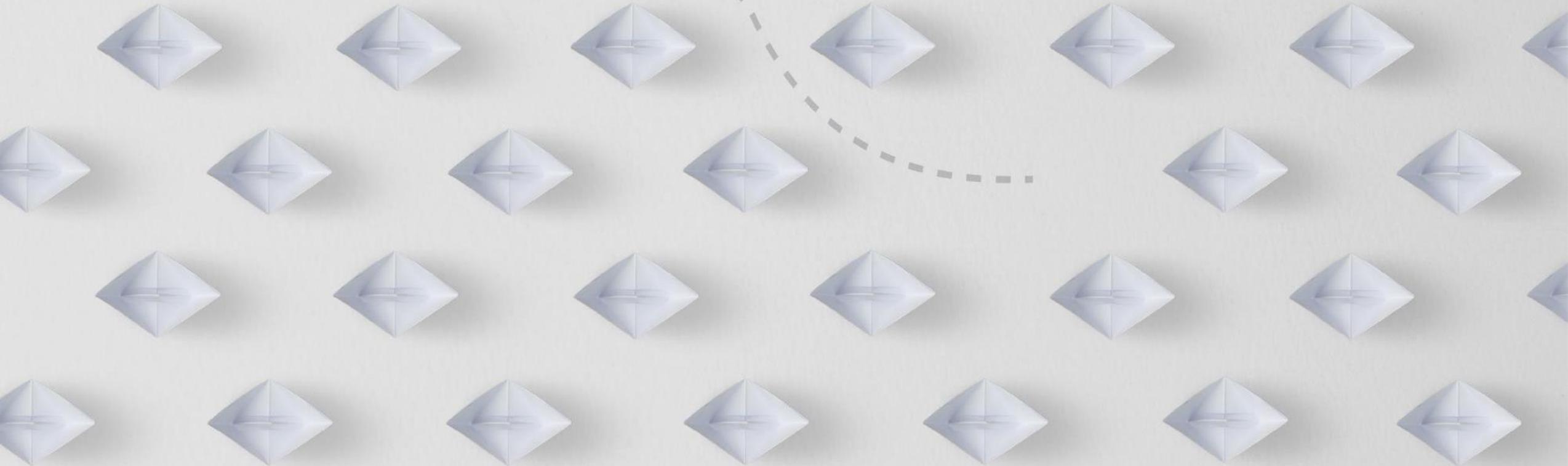
Which means, according to Salary.com contributor Aaron Gouveia, that 4% of people surveyed waste at least half the average workday on non work-related tasks. *Half.*

Monitoring Programs

- Interguard
- Pilixo
- SpectorSoft
- BrowseReporter



HARDWARE SECURITY



Hosted Servers

- Companies like ProCirrus allow you to:
 - Remotely monitor an employee's usage
 - Record actions
 - Cut someone off and remotely reboot their computers so they can't get back in

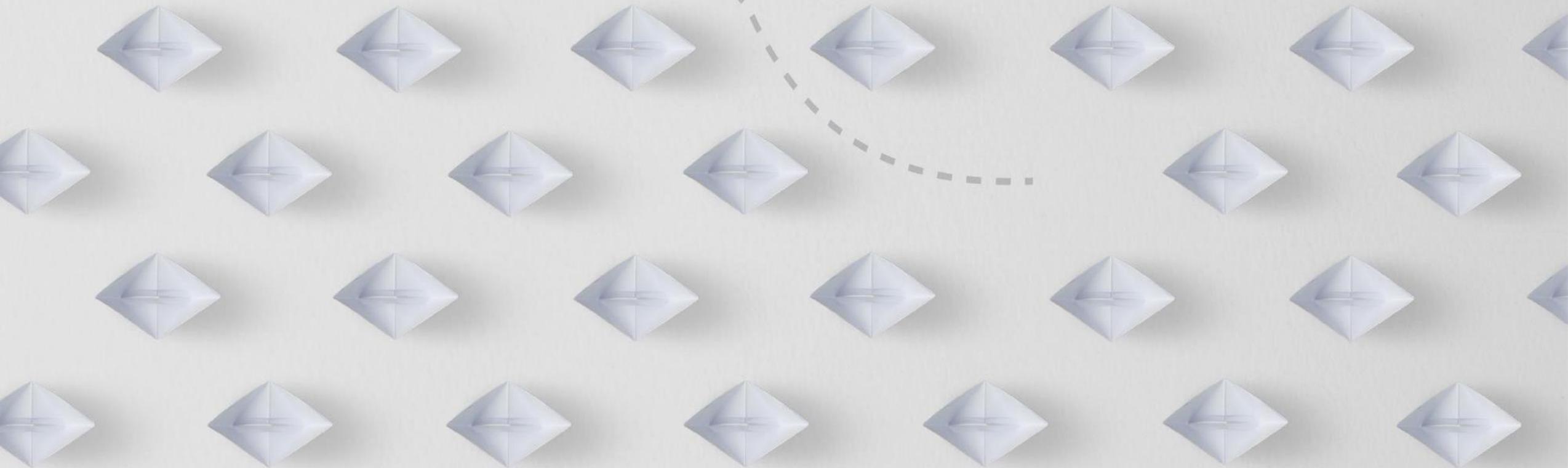
Award Winning FIPS Validated Hardware Encrypted Hard Drives & Flash Drives

Reduce the stress of working remotely. Protect your files during COVID-19 with the most secure drives.

We have the solution.



WEB & SOFTWARE SECURITY



Avoid Free Email Accounts

"A secure email account that the attorney is assured protects the content of correspondence. **No attorney should use Gmail or other free services that in fact admit that they use personal information from email content. They should encrypt their client correspondence.** Before sending sensitive correspondence, they should check by phone or text with the client to see what method of delivery is preferred."

Where Data is at Risk

"It's all about encryption of the 3 main risk areas for data held: data in transit, at rest and in backups. It doesn't matter if it's email, Instant Messages, case files, discovery or 3rd party expert communications, the principle of encryption is the **ONLY** way you can really satisfy due diligence requirements."

Best to Track File Sharing



Citrix ShareFile 10 percent discount for life

Citrix ShareFile is a cloud-based storage service offering fast, easy and secure file sharing on any device anywhere. This customizable solution integrates with tools you already use and provides law firms of all sizes with unlimited storage, instant notification and access to files from any smartphone or tablet with a secure mobile app. Robust tracking and reporting features let you know and control who is viewing your files and when. To save time and money, use Citrix ShareFile.



New Jersey State Bar Association members receive a 10 percent discount for life with ShareFile, as well as:

- Free 30-day trial

- Live one-on-one web demo

- 24/7 customer support via phone or email

[Click here to visit us and for more information](#)

Programs with Encryption Included

- Encryption capability built into:
 - Word
 - WordPerfect
 - Adobe Acrobat
 - Power PDF
 - Foxit PhantomPDF
 - Nitro Pro

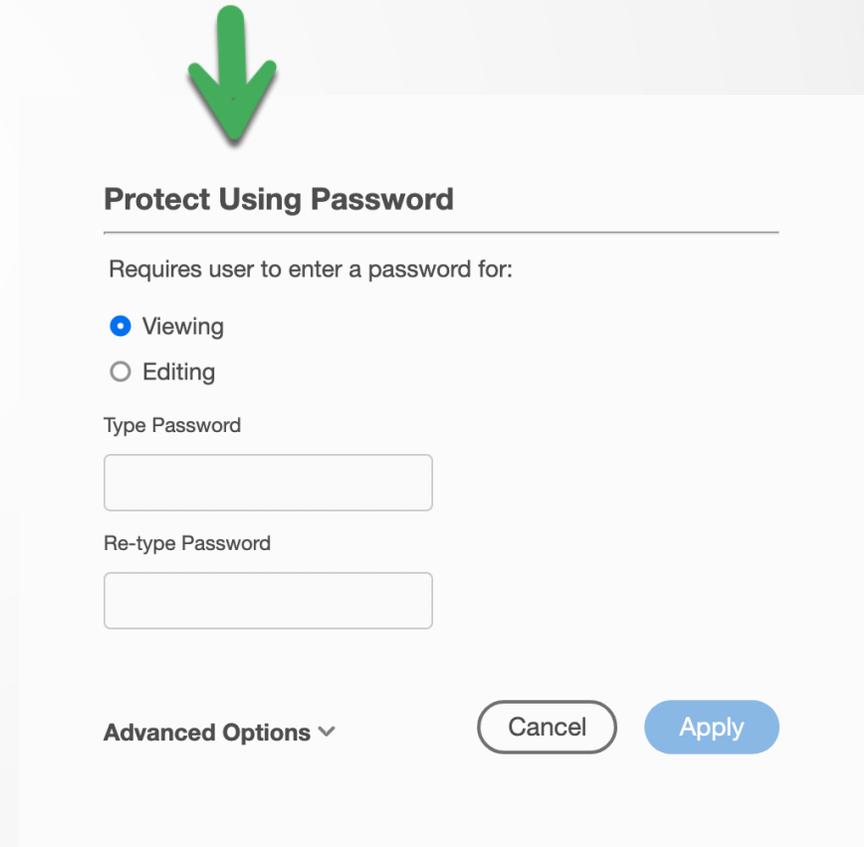
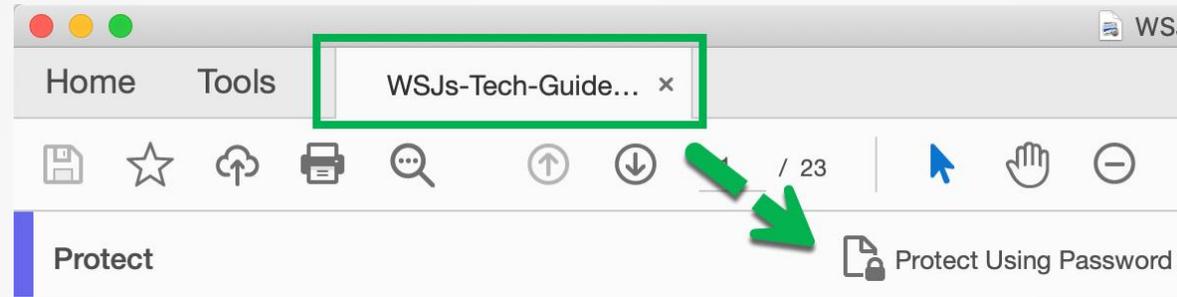
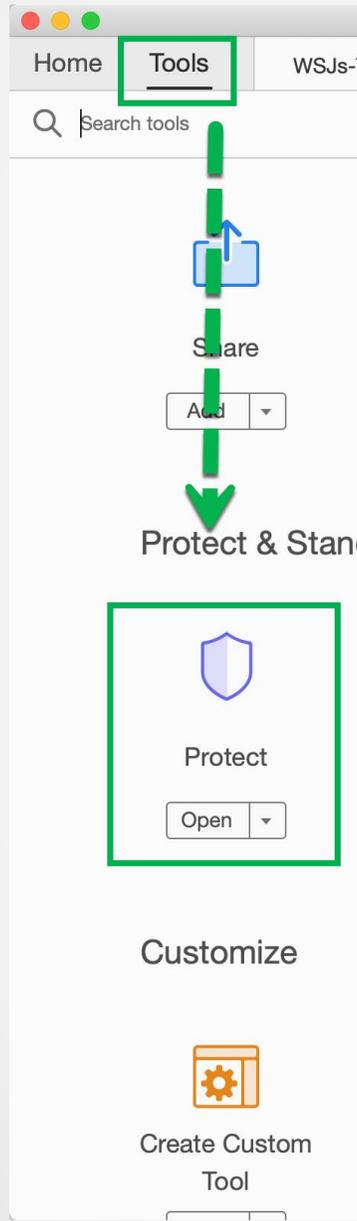
Encrypt with Microsoft Word

https://support.microsoft.com/en-us/office/protect-a-document-with-a-password-05084cc3-300d-4c1a-8416-38d3e37d6826#ID0EAAACAAA=Windows

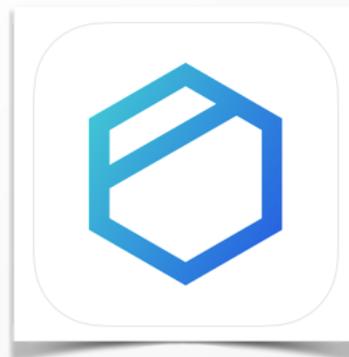
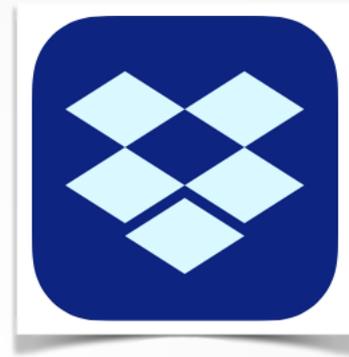
The image shows the Microsoft Word ribbon with the 'Info' tab selected. The 'Protect Document' dropdown menu is open, showing several options. The 'Info' tab is highlighted with a green box, and a dashed green arrow points from it to the 'Protect Document' button, which is also highlighted with a green box. The dropdown menu is also highlighted with a green box. The options in the dropdown menu are:

- Protect Document** (dropdown arrow)
- Always Open Read-Only**
Prevent accidental changes by asking readers to opt-in to editing.
- Encrypt with Password**
Password-protect this document
- Restrict Editing**
Control the types of changes others can make
- Restrict Access**
Grant people access while removing their ability to edit, copy, or print.
- Add a Digital Signature**
Ensure the integrity of the document by adding an invisible digital signature
- Mark as Final**
Let readers know the document is final.

Encrypt with Adobe Acrobat



Pick a Cloud, Any Cloud to Share



Encrypt Your Cloud



boxcryptor



Sookasa

Wireless Encryption



VPN

 encrypt.meTM

Additional Tips

- Don't share your computer with anyone.
- Don't work in a public area.
- Don't go to strange websites.
- Do purchase malware protection.

(Brian) Krebs on Security



Kreb's 3 Basic Rules for Online Safety

Three Rules

1. If you didn't go looking for it, don't install it!
2. If you installed it, update it...
especially for Windows and macOS
3. If you no longer need it, remove it.

Data Protection

- Reliable Backup
- User Training





Fri 4/29/2016 11:52 AM

Tina [REDACTED]

To Barron Henley

1 2 3 4 5 6 7 8

Hey Barron. We've been hit with another malware attack last night. We are scrambling to recover our files and concerned about the next steps to take. Tom Lindemann is doing his best to contain this and recover the files but we are losing confidence. I urgently need a second opinion. Here's what I can tell you so far:

We believe the first attack came in from an email from Amazon. The person that received the email does not recall clicking on the attachment but we believe she must have. That encrypted many of our files in a few hours time. They all were re-named something like this: DDD134979107 (LOCKY)

We are unsure how the second attack came in - possibly from Adobe Flash or email attachment. This time, there was much less damage. The documents are re-named something like this: 189697974.cerber (CERBER FILE)

Obviously, we are very concerned and would love a second opinion on what steps we should be taking immediately. FYI, I have an appointment Tuesday with ProCircus. Should I reach out to them now? I'm sorry to put you in the middle. I appreciate any assistance you can provide.

Tina [REDACTED]

Grandville MI [REDACTED]

Metadata



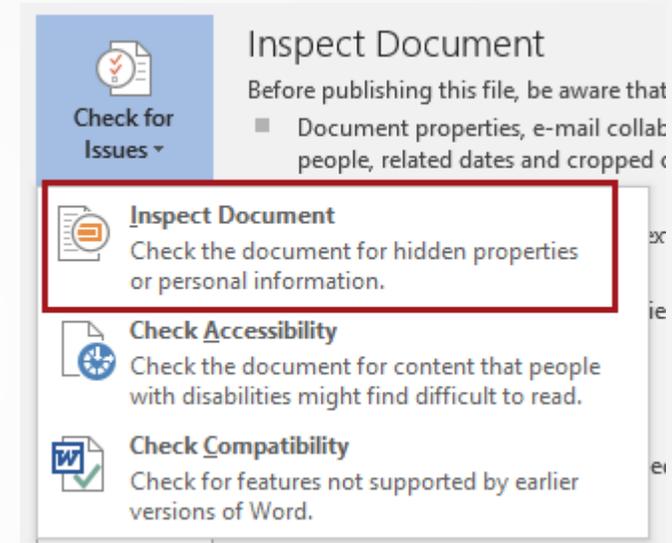
Metadata is
Hidden Information
in a File

Metadata Examples (Pitfalls)

- Your name
- Your initials
- Your company or organization name
- The name of your computer
- The name of the network server or hard disk where you saved the document
- Other file properties and summary information
- Non-visible portions of embedded OLE objects
- The names of previous document authors
- Document revisions (number of revisions and duration of revisions)
- Document versions
- Template information
- Hidden text
- Comments

Metadata Pitfalls

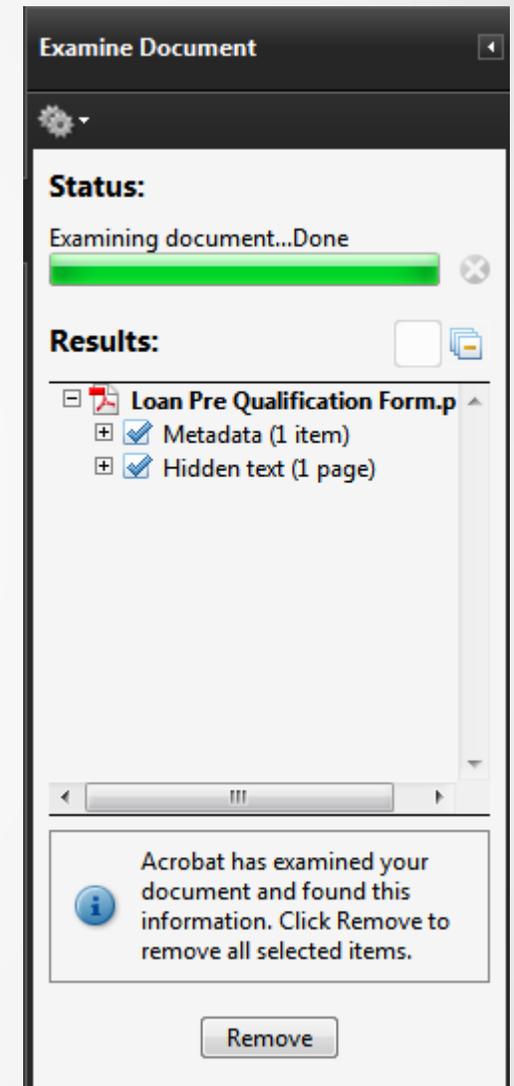
- Removing metadata from **Word 2010/13/16/19/365** files:
File menu ► Check for Issues ► Inspect document
- This Feature is **Absent in Word for Mac**



Metadata Pitfalls

- Removing Metadata from PDFs
 - Acrobat DC, Tools ► Redact

 Remove Hidden Information  Sanitize Document



Metadata Removal Tools

Workshare Secure

BigHand Scrub

 cleanDocs

 DocsCorp

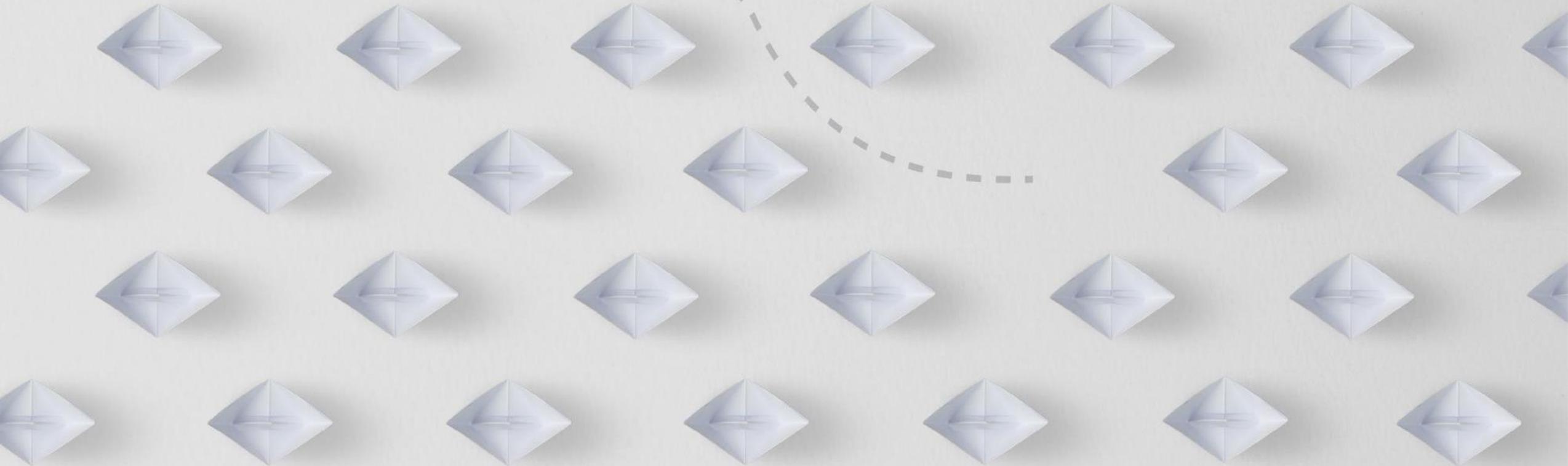
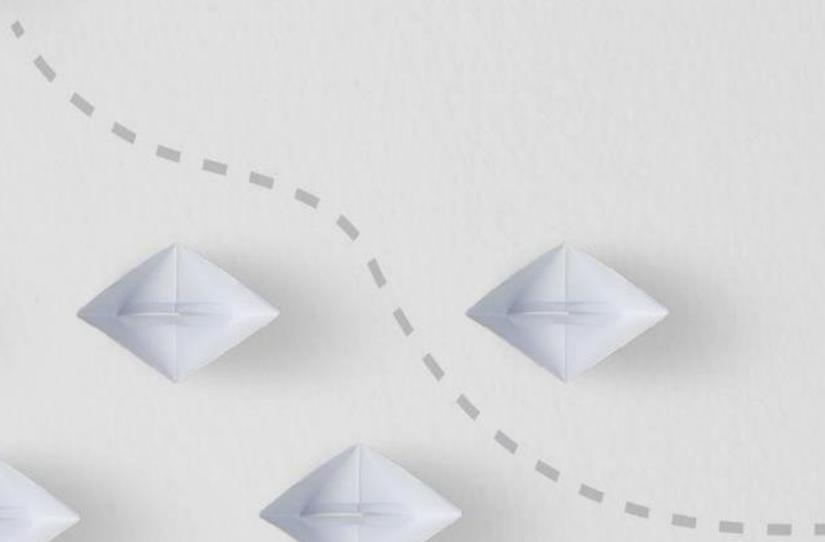
Metadata Assistant

PayneGroup

Digital Signatures

- DocuSign
- RightSignature
- Adobe Sign
- OneSpan Sign

MISCELLANEOUS "SECURITY"



Don't Wait for Computers to Die

- Replace Computers on a Schedule; Otherwise
 - Data loss
 - Lose negotiation leverage
 - End up with “home” configuration
 - Down time
 - Miss out on charitable deductions

Write a Cookbook

Document Substantive Processes

- Description
- Who?
- How long?
- Decisions?
- Tools?

Dissecting processes: How to create a legal process improvement program

By Kim R. Craig, global director, legal project management office, and Andrew M. Baker, global director, legal technology innovations office, Seyfarth Shaw

THE PRACTICE of law is a process. It may be an incredibly complex process with a large number of variables, but it is a process. The complexity of some legal work can skew practitioners' views of what they do, causing them to see the law largely as an art, rather than having some relation to science.

Nevertheless, the general mindset in law firms has started to change over the past few years. Clients are focused on how legal work is going to be done. Processes are relevant. As a result, a few law firms are taking this process-centric view of the practice of law very seriously. Flowing from that evolved view of legal work, firms are beginning to implement legal process improvement (LPI) programs.

of experience, predictability in spend, and transparency to the attorney-client relationship.

The first key step is understanding the current state of a specific legal process. This requires sitting down with your legal teams and getting a handle on a specific scope of the work. Ask yourselves questions like:

- What tasks make up this type of work?
- Who handles those tasks?
- What precedential materials and tools are used in a given task?
- How much time is necessary to execute a specific task?
- What decisions do we have to make?

It all needs to be catalogued and made digestible for those who are not experts in the area.

At Seyfarth Shaw, this is done through process mapping exercises. First, a particular piece of legal work is pinpointed for the

Document Administrative Processes

- Accounting (run invoices, post payments, bank reconciliation, pay bills, etc.)
- Payroll
- Benefits (retirement plan, health insurance, life insurance, etc.)
- Taxes (retirement plan, health insurance, life insurance, etc.)

Embezzlement

TOP STORY

Court Filing: \$500K embezzled from Charlottesville law firm by former employee



A Charlottesville law firm is out \$500,000 as a result of an embezzlement scheme perpetrated by a former employee, according to federal court filings. (Source: wvir)



By [CJ Paschall](#) | June 22, 2020 at 10:06 PM EDT - Updated June 22 at 10:45 PM



CHARLOTTESVILLE, Va. (WVIR) - A Charlottesville law firm is out \$500,000 dollars as a result of an embezzlement scheme perpetrated by a former employee, according to federal court filings.

People Leave / Get Sick

- If a **lawyer leaves**, can you...
 - Produce his/her case list?
 - Re-create a case history?
 - Find all email related to a case?
 - Find all documents related to a case?
 - Determine status of a case?
- If not, you have a problem

Protect Your Firm

- If something happens to you, can others...
 - Produce your case list?
 - Re-create a case history?
 - Find all email related to a case?
 - Find all documents related to a case?
 - Determine status of a case?
- If not, you have a problem

Disaster Preparedness

- Internal Contact List
- Make **full inventory** of all hardware, software, equipment, get makes, models, serial numbers – **take photos**
- Cash set aside or line of credit

Disaster Preparedness (cont)

- Bank records & blank checks
- Predetermined place to meet
- Business interruption insurance
- Cyber insurance
- Disability insurance

Disaster Preparedness (cont)

- Client contact list off-site – let them know what's going on
- Redundant calendars – smartphones – Exchange
- Basic set of office supplies kept at someone's house
- Names and addresses of critical people – accountant, lawyer, insurance agent
- Durable POA for bank accounts
- Durable POA to sign tax returns
- POA form for each financial institution
- List of computer passwords
- ID numbers (SSN, etc.)

Protect Your Firm

- Names and addresses of critical people – accountant, lawyer, insurance agent
- Your own **estate plan**



QUESTIONS?

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