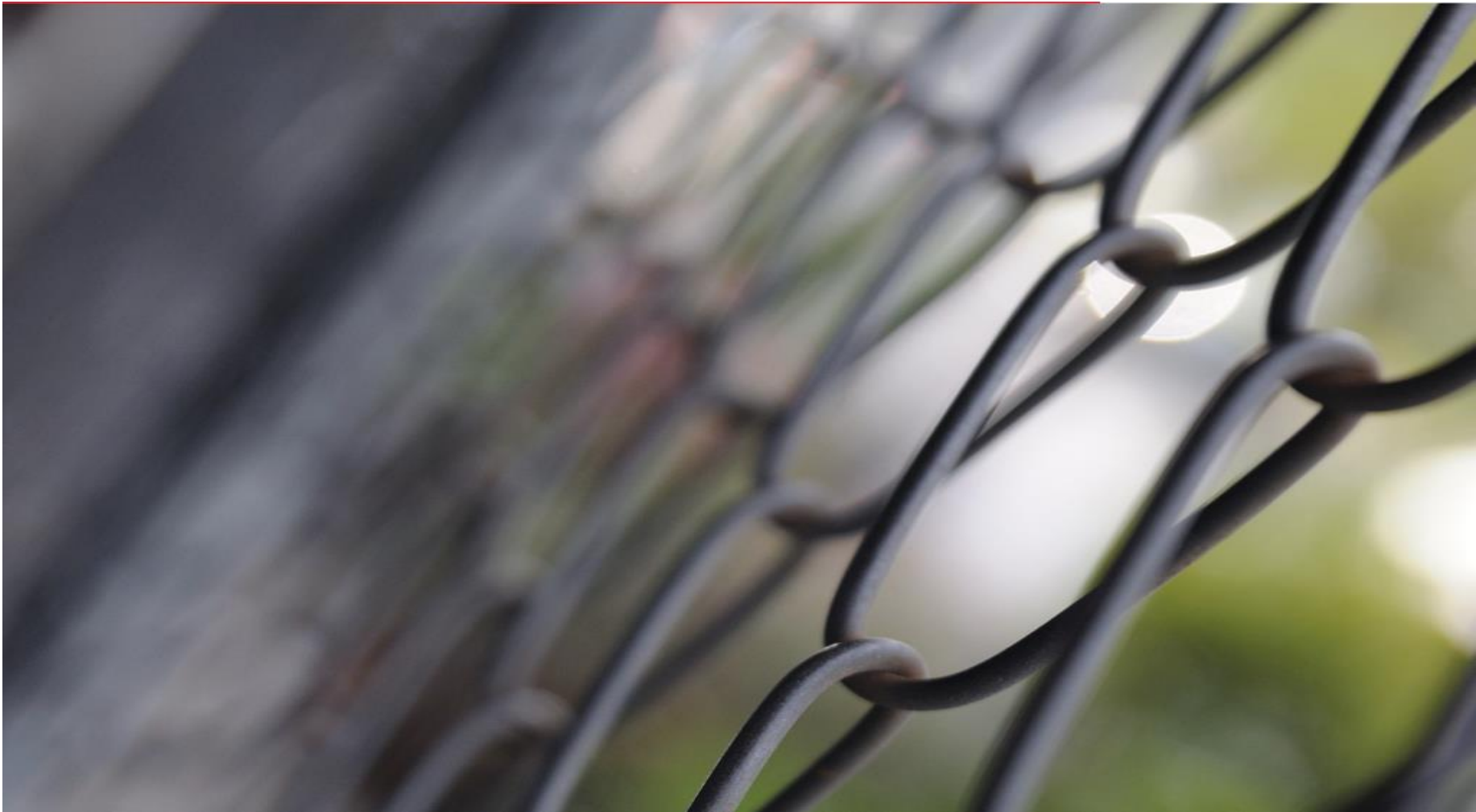# When Secure Enough Isn't Enough

File-Sharing and Cloud Solutions in the Legal Industry – the disconnect between security fears and the everyday practices

Size Matters

- Smaller firms are most vulnerable to data theft and breaches

- Both physical and electronic

- Viruses threat to premise-based products

- Outdated IT infrastructure can crash or lead to data loss

File Sharing Increasingly Important, Especially for Smaller Firms

Do you believe file-sharing services and other online collaboration tools are more or less important this year compared with last year:

Category	Percentage
More important	72.7 %
About the same	27.0 %
Less important	0.4 %
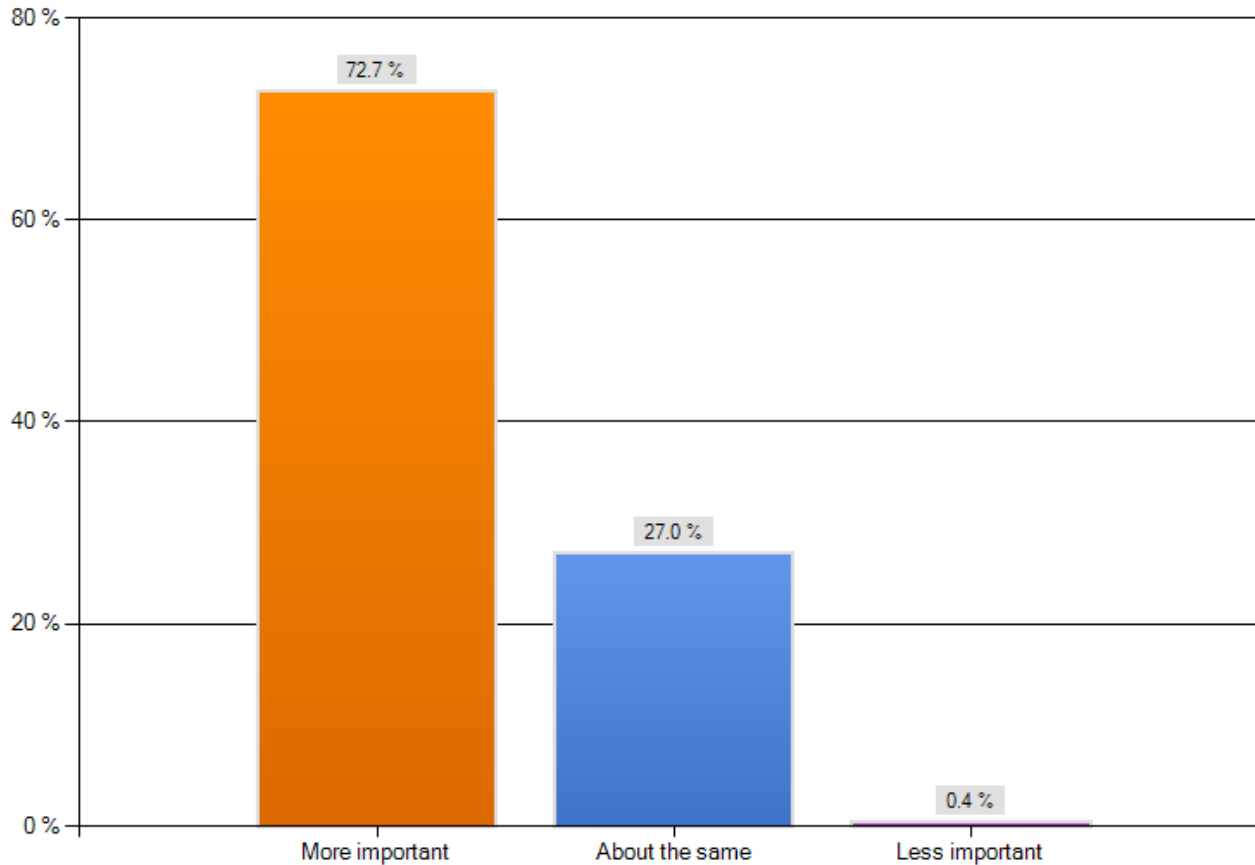
A New Kind of Law Firm Is Emerging

- Independence and mobility are becoming critical needs for solo/duo attorneys
- More aware than ever of risks and security concerns for client data and confidentiality

How do You Collaborate and Manage Your Practice? Usability vs. Security

The transition from hard-copy to soft-copy document management creates a unique set of risks and challenges

- How do I share files with associates in my firm without creating a security liability for myself?

- What is the most secure way to transfer and access my documents and data?

How Safe is Traditional?

- Thumb drives
- Faxing/scanning
- Hard-copy paper documents
- Unencrypted email accounts
- Laptops/desktops/backup drives

File Sharing and the Cloud

The tag cloud below represents the words most frequently used when legal professionals think about file-sharing: The larger the word, the more often it was cited.

Figure 12

Access Awareness Client Company Confidentiality Disclosure E-mails Ease Easily Encryption File Sharing Hacked Intended Interception Liability Malpractice Management Methods Outsiders Privacy Privilege Protect Risk Rules Safe Security Sending Training

If Confidentiality Is A Cornerstone, Why Should You Use the Cloud?

Figure 2

How would you describe the possible outcome to your business if someone other than your client or a privileged third party was able to gain access to shared documents?
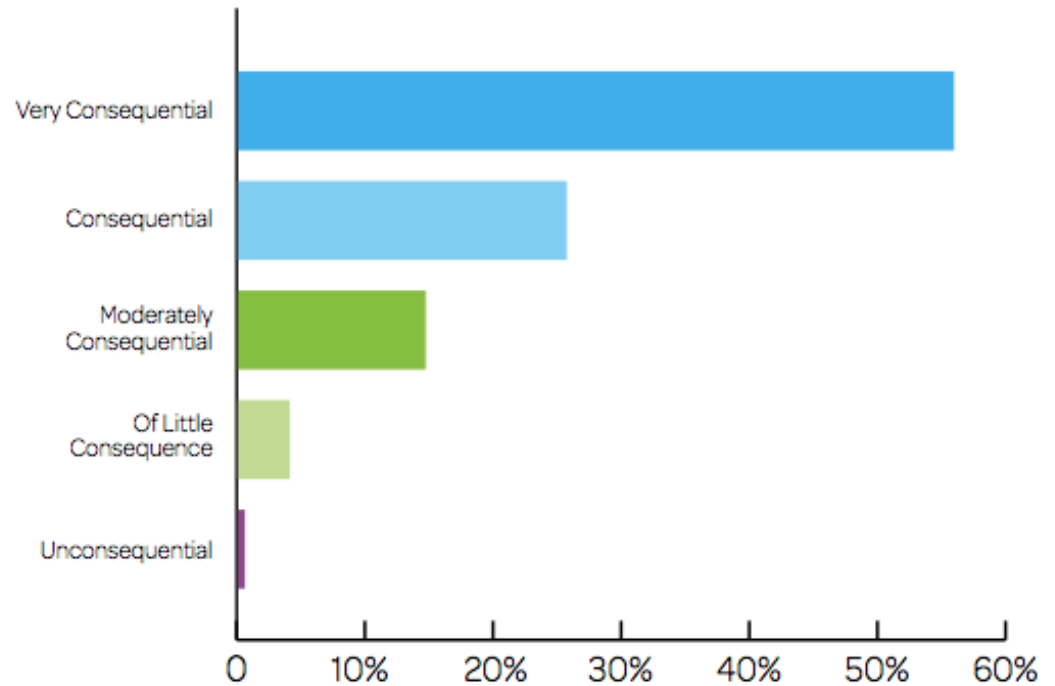
What is The Cloud?

- Cloud computing is providing "Software-as-a-Service" (SaaS) instead of as a desktop product

- Resources, documents, and applications are safely accessed and shared across devices over a secure network, while the data is stored offline in a protected data center

What Lawyers Say About the Cloud

Cloud Examples

- Email
- Apple iCloud
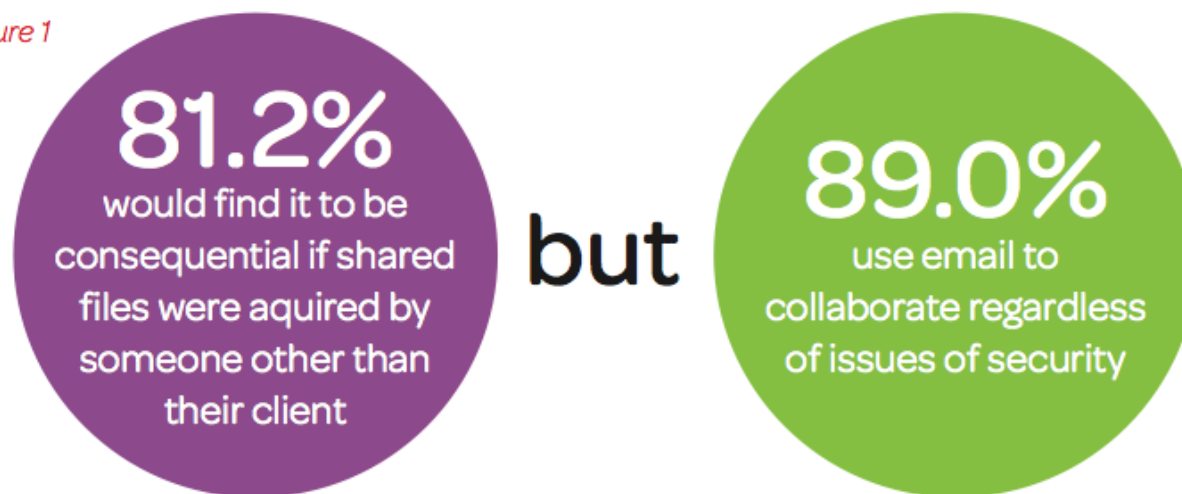- Microsoft 365
- Online banking
- Facebook/social media sites

Online - The Cloud

- Email
- Mobile
- Cloud or online collaboration sites

Two Sides of File-Sharing Security

The Two Sides of File-Sharing Security

Figure 1

81.2% would find it to be consequential if shared files were aquired by someone other than their client

but

89.0% use email to collaborate regardless of issues of security

Though almost 90% of survey respondents understand the importance of maintaining confidentiality, the widespread use of email by almost 90% of firms indicates a disconnect between what survey takers say and what their firms actually do to prevent security breaches.

Enterprise File-Sharing Use

Secure File Sharing Services in Law Firms

On the whole, most law firms are not using enterprise-grade file sharing services that focus on the security and protections designed with law firms in mind. Cross-tab analysis shows that larger law firms do in fact invest in secure file sharing tools – about 50% or half – of 100+ attorney firms say they are using an enterprise grade file sharing tool. A separate cross-tab analysis across all firms by size demonstrates the larger the firm, the more likely it is to provide secure file sharing tools. Among firms with 50 or more attorneys on staff, about half provide their team with an enterprise-grade file sharing service.

Does your firm deliberately provide an enterprise-grade file sharing service?

64.9 %
15.6 %
19.5 %

- Yes
- No
- Unsure
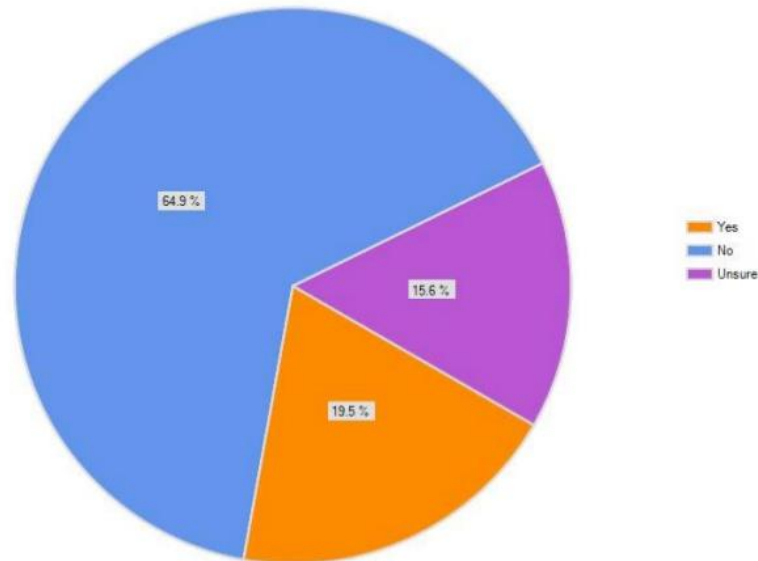
Consumer File-Sharing Security Issues

- Not made with file protection or client confidentiality in mind

- Severe risk of granting access to the wrong files

- Employees can mix business files with personal file-sharing service accounts without your knowledge or approval

Law Firms and File-Sharing

In their own words: Law firms on file-sharing in 2014.

The final question of the survey was an open-ended question. The question was optional and of the 282 respondents that completed the survey, 233 answered.

Figure 11

What would you say is the most important issue or concern attorneys or law firms should keep in mind with regard to file-sharing?

"Ensuring security while not over-complicating the sharing process. Use tools that clients are familiar with, or can become easily familiar with."

"Trying to read the fickle and often illogical mind of the Bar Association when it sets policies for file sharing and cloud storage."

"Security is important but no system is fool-proof. Technology, file sharing, and the cloud are necessary components to an efficient, modern practice."

"Educating clients on the importance of security and options for achieving it without sacrificing economy and convenience."

"Attorneys could risk the attorney-client privilege and have their practices devastated by malpractice claims."

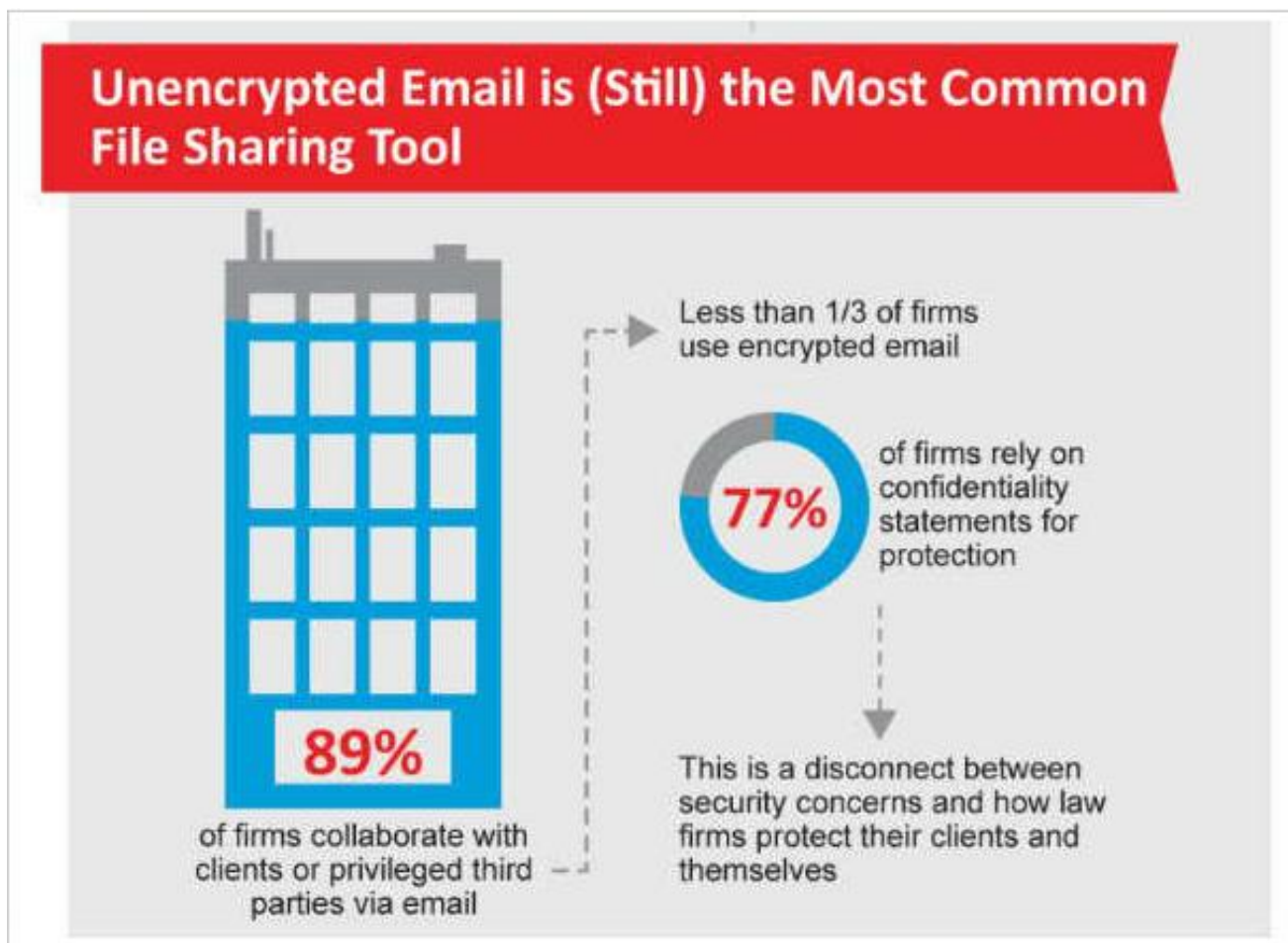"Where is the data being stored? What is the security level provided? Is this verifiable?"

Email – Security issues

- Many email vendors do not encrypt email data before transmission, allowing possible email interception by hackers at router points, Internet service provider, and internal IT departments, granting access to sensitive data within emails or attached documents
- Email is open to spam and phishing messages that can steal data or give you a virus
- Risk of being inadvertently sent to the wrong recipient, forwarded to unauthorized recipients, or printed and then read by unauthorized recipients
- Accidentally caught up in litigation holds
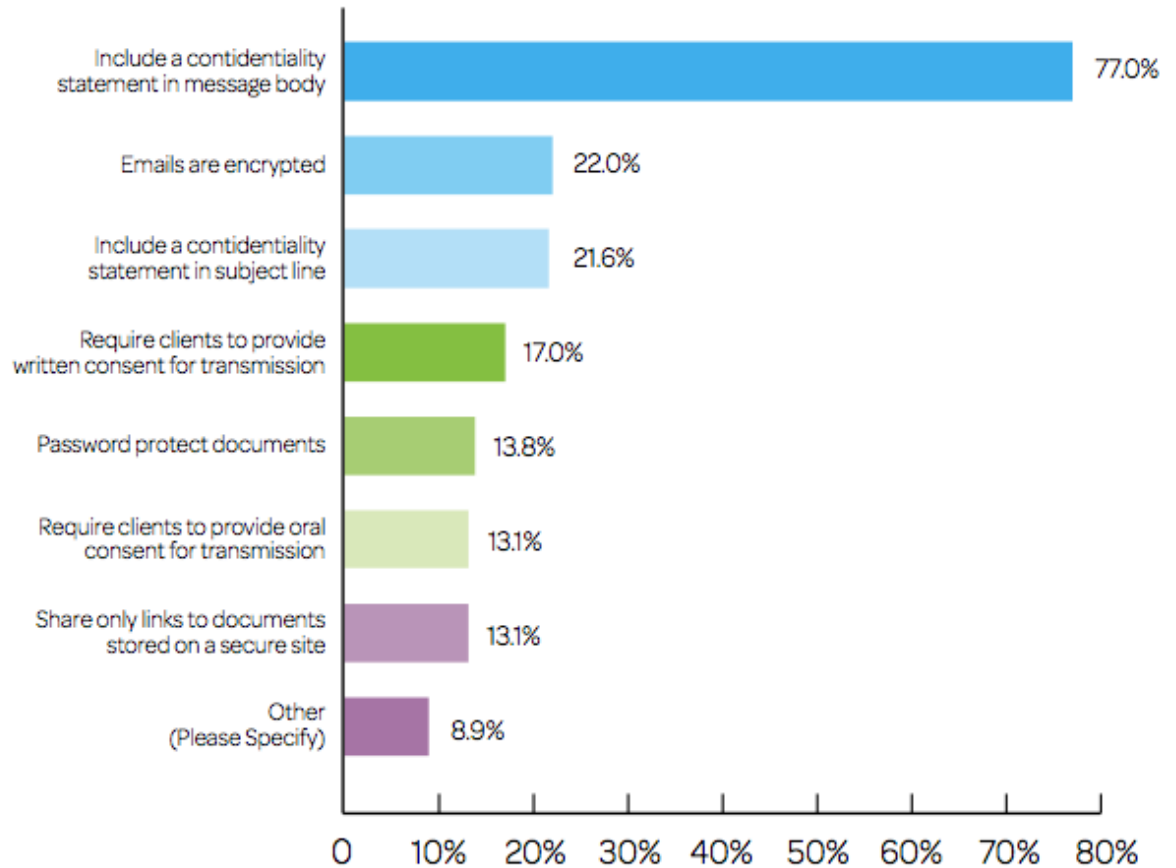- Get lost in spam filters

The Modus Operandi of Law Firms

Unencrypted Email is (Still) the Most Common File Sharing Tool

89% of firms collaborate with clients or privileged third parties via email

Less than 1/3 of firms use encrypted email

77% of firms rely on confidentiality statements for protection

This is a disconnect between security concerns and how law firms protect their clients and themselves

Email Confidentiality – Is it Enough?

Figure 4

What precautions do you take when sending client-privileged communications via email?

Precaution	Percentage
Include a confidentiality statement in message body	77.0%
Emails are encrypted	22.0%
Include a confidentiality statement in subject line	21.6%
Require clients to provide written consent for transmission	17.0%
Password protect documents	13.8%
Require clients to provide oral consent for transmission	13.1%
Share only links to documents stored on a secure site	13.1%
Other (Please Specify)	8.9%

Online Collaboration – Security Issues

- Rogue employees from cloud vendor
- Risk of hackers accessing vendor databases
- Risk of hacking from the NSA or other government agencies

What Concerns Do Lawyers Have About the Cloud?

You May Already Be Using the Cloud

Figure 3

Do you believe that law firm employees are currently using cloud-based services without the firm's knowledge or approval for work?

Unsure 31.2%

No 45.2%

Yes 23.7%
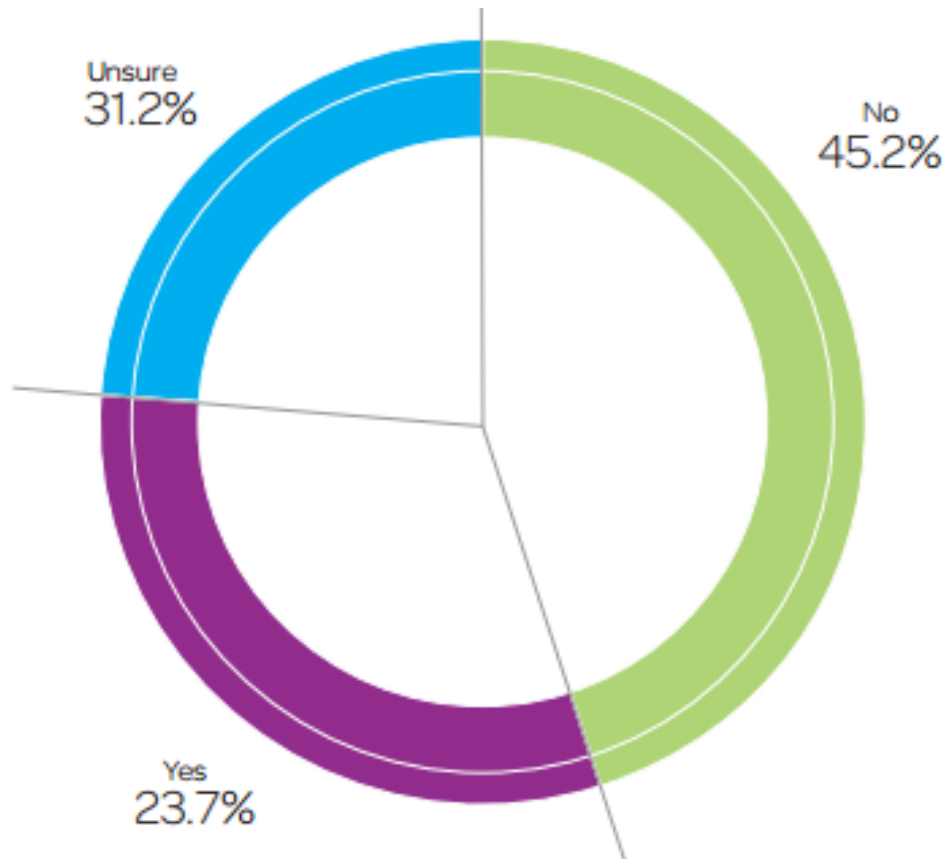
Online Collaboration – Precautions to Take

- Define who is allowed to access a document

- Control how a file is viewed and duplicated, including the ability to allow or block printing, editing, copying and forwarding

- Set expiration dates, or revoke permission to view a document at will

- Create an audit trail of where documents were viewed, on which devices, and at what times

Mobile – How Safe is It?

- Devices can be lost or stolen
- Information can be intercepted over unsecure Wi-Fi networks, giving hackers access to passwords, emails, keystrokes, and files
- Other people using your device(s) may accidentally stumble upon confidential data
- Hassle of destroying any locally stored data when disposing of old devices

Mobile – Precautions to Take

- Control who has access to your mobile devices, and make sure that each one is protected with a unique password

- Minimize the amount of documents and data that you save to your mobile device

What to Consider When Evaluating the Cloud – Security and Usability

- For attorneys, it is an easy choice between the two. Maintaining client confidentiality is a cornerstone of ABA rules governing attorney behavior, so security will always be more important than usability. You need to be able to access your data, but make sure no unauthorized entities are also able to gain access. Control over data privacy and access is everything.

- Mobile access while you are on the go is critical to keeping your office up and running, but so is keeping your data safe and secure. Not all clouds are created equal, so the solution that you choose should not only offer you direct access whenever and wherever you need it, but with the peace of mind that your data and your clients' confidentiality are both protected.

Data protection

- What should you consider when thinking about data protection?

- What safeguards do vendors have in place to ensure secure storage of your data?

Data ownership

- In the end, you need to make sure that you still own the data and control who can access it and when

- It is important to work out ownership agreements with vendors long before you hand over your data

Availability

- How available will your data really be?

- Take into account:
  - Down time for maintenance, etc.
  - Outages and guaranteed response times
  - Availability of product and company for support

Usability

- How easy to use is the solution?

- Will it affect firm productivity while you and your employees learn to use it?

- Will you need a consultant to set up the solution and/or train your firm?

Who to trust

- The security of big companies with an established reputation vs. unknown startups

- Is a provider based in the U.S. or somewhere else around the world?

- Look for 3rd-party certifications such as "e-trust verified"

Popular Cloud Solutions

- Clio
- Firm Central
- Firm Manager
- MyCase
- Rocket Matter

What Should You Consider

- What things are most important to you, your clients, and your firm?

- Does the solution meet your needs, but still make you feel comfortable with the security and protection that it offers?

Cloud Collaboration Biz Case

- Should you collaborate in the cloud?

- Cloud computing provides firms with the greater accessibility and sharability that they want, but with the enterprise-level data security that they need

- The cloud is the future of data storage

How Can the Cloud Work for You?

More Freedom, More Mobility:
Why Lawyers Want the Cloud

When lawyers were asked to name the most valuable benefits of cloud services for the legal profession, two benefits dominated:

Mobility or freedom of access
45.2%

Disaster recovery/data backup
40.5%

4.3%
Easy to use

2.5%
I.T. investment savings

2.5%
Environmental contribution/ paperless

1.8%
Predictable costs or budgeting

1.1%
Marketing value/client perception

1.1%
Other

0.7%
Easy to implement

0.4%
Scalability

Forecast – Clear Skies

- Conclusion…