

TAB 8

Online and Virtual Collaboration: The future is now

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**5th Annual Solo and Small Firm
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Online and Virtual Collaboration: The future is now.

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The internet computing "cloud" now provides us a plethora of new tools that allow a firm to communicate within and without your firm, to create an intra-office web-site, to closely collaborate with clients on projects, or simply keep them informed of the status of the case. This allows for the development of the new law firm which is not hampered by location. Rather, high quality legal services can, by and large, be provided from anywhere. The lawyer can now stay in close touch with all stakeholders in a manner that maintains personal relationships and allows for close collaboration. However, for most lawyers the benefits of the "cloud computing" are mainly (1) increased mobility allowed by the ability to access information from anywhere; and (2) reduced IT costs resulting from the SaaS (software as a service) vendor providing updates and support. The lawyer gains mobility and is freed from the additional costs of sophisticated hardware and maintenance/support otherwise required to develop and maintain a sophisticated system. We will be reviewing programs and tools accessible on the cloud such as word processing and collaboration, E-Discovery, on-line backup, and practice management applications.

There are some excellent articles and blogs that can help further clarify the tools and how to effectively use them. These include a recent Law Practice Today article, *The ABC's of Cloud-Based Practice Tools*, by Josh Poje which introduce the factors the factors that lawyers should use to make a decision about using cloud-based applications versus traditional software. Dennis Kennedy and Tom Mighell wrote *The Lawyer's Guide to Collaboration Tools and Technologies*, and the associated blog of the same name.

ETHICS CONCERNS

Important issues that arise when thinking about using SaaS products, especially the free offerings, are the ethical and legal obligations regarding confidentiality and client data privacy. The Arizona Bar issued an opinion in December 2009 regarding a lawyer who "wants to offer a service to clients that would allow clients online access to view and retrieve client files." In short, the opinion states that the lawyer has the duty to take "reasonable precautions to protect the security and confidentiality of client documents and information" and that was done in that case. Of note is the ongoing obligation to review if the information and documents remains secure over time.

More recently, the North Carolina Bar Association is reported to have issued a proposed Formal Ethics Opinion that explicitly allows for law firms to use SaaS providers. That opinion was specifically addressing whether the Canadian based SaaS case management provider, Clio, could be used by a

lawyer in North Carolina. In essence, the draft follows the thinking cited above, that the lawyer must use reasonable caution and sound professional judgment. This requires a review of the EULA (end user license agreement) or Terms of Use to ensure that you are not agreeing to download adware or spyware along with the free software, and also check for potential privacy concerns.

Carolyn Elefant who is the creator and author of My Shingle.com (which is a long-running blog on solo and small firm practice) has written a thoughtful letter to the North Carolina Bar Association urging them not to overlook the benefits of cloud computing to solo and small firm lawyers which she believes far outweigh the risks.¹

It seems apparent that there may be issues with relying on free software or service providers for mission-critical data. If you use SaaS programs you must have some plan to back-up the data to a place where you can access the data regardless of the continued availability of the provider. You must ask yourself how the service is making money, and if it is not making money, will it be able to continue to provide the service. Also, if it goes bankrupt or liquidates who will own the data stored on the servers. The word to the wise is to exercise reasonable caution.

Recently the Privacy Commissioner of Canada has released a paper entitled *Reaching for the Cloud(s): Privacy Issues related to Cloud Computing*.² In the conclusion of the paper the Privacy Commissioner states:

The nature of cloud computing appears, on the surface, to create possible tensions between data protection/privacy agencies, ISPs and customers due to the uncertainty about which organization should be responsible in the case of privacy violations and how to hold companies who are located “in the cloud” responsible under Canadian legislation.

Areas of analysis in the paper include amongst others jurisdiction, security, data intrusions, misuse of data, data permanence and data ownership.

Cloud Computing – A Plethora of Software Providers

Practice/Case Management Software

¹ Paper located at: www.myshingle.com/2010/04/articles/ethics-malpractice-issues/legal-ethics-of-cloud-computing/

² Paper located at: www.priv.gc.ca/information/pub/cc_201003_e.cfm.

As a critical tool for excellent practice management we will look first at practice management tools. There are many players in this arena and the list seems to be growing. For solo and small firms I would suggest starting a search for appropriate case management software by looking at these three vendors:

- Clio
- RocketMatter
- HoudiniEsq.

These three practice management solutions have both front office features, including calendar, conflict checking, tickler system, and case management, and back office systems such as time and billing, financial reporting, and simple accounting tools. One advantage of SaaS, that is the quick deployment of improvements all handled by the provider, is really evident here because the developers of Clio and RocketMatter, in particular, are quickly improving their products as they compete for market share. It appears to me that Clio and RocketMatter have a better foundation than HoudiniEsq. However, HoudiniEsq is intriguing because it does provide a free version for solo lawyers. Of course there is minimal support for the free version and it is actually not cloud based. Rather it is accessed through a browser, but resides on the local hard-drive.

Telephone/Faxing/Virtual Reception on the Cloud

There are a number of large players providing cloud based voice-over-internet services which lawyers can use, keeping in mind, the ethics rules discussed above. Even where many of these companies do not look as if they are directly competitive based on their marketing, many of them have substantial overlap in features. For telephonic services the low cost leader is:

- Skype

An alternative to Skype is:

- Google Voice (unfortunately not yet available in Canada)

And other providers, which include electronic receptionist, are:

- FeatureTel
- VirtualPBX
- eVoice

Cloud based facsimile services abound and a comparison exists at FaxCompare.com. These include:

- MyFax
- eFax
- RingCentral
- RapidFAX

Word Processing

The limitations on SaaS provider's ability to provide products that are as feature rich as desktop tools is well demonstrated by the limitations shown by available word processing products. Lawyers that are used to the robust nature of Word or WordPerfect will find the SaaS products to be extremely limited. In particular, the programs have less ability to do complex formatting. The positive side of using these products is that the tool is available from any computer that has an internet connection; the documents can be stored on-line and are therefore always available. It also gives you some ability for simple on-line collaboration. Primary providers in this market are:

- Adobe Buzzword
- Google Docs
- Zoho

Buzzword is offered at Acrobat.com where you can also do PDF conversion, web conferencing, and office applications. Google Docs is actually a full suite of programs that include spreadsheets, word processing, presentation documents and form building. I recently received a Google Docs form document and I was impressed. Zoho also has a suite of cloud solutions, including word processing, web-based email, and wikis, among others. Microsoft has released its office suite web-apps which are intended to extend Microsoft Office 2010. You can now create simple spreadsheets, PowerPoint presentations, and a OneNote notebook, but there is no Word editing available at this time. On the upside, as of this writing you could still download Microsoft Office 2010 (beta) for free.

Scheduling Tools

Online scheduling tools are definitely some of the best tools provided online. As we all know, getting a group of people to agree to a meeting date is difficult, at best. While setting a meeting date within an organization can be done fairly simple with Outlook or Google Calendar, that access is not available for opposing counsel. Quit wasting hours of time scheduling depositions and mediations by embracing the online scheduling tools.

These programs allow the meeting organizer to designate which potential attendees will be invited, selects dates and times to propose to the attendees, then each attendee will respond via the web-site to confirm his or her availability at the selected times. Hopefully, there will be one date and time that works for all parties. If not, the software will allow the organizer to easily propose new dates and times. A large number of vendors exist, which include:

- TimeBridge
- Doodle
- Meet-O-Matic
- ScheduleOnce
- Meeting Wizard

Web/Tele-Conferences

Closely following online scheduling in usefulness is online web-conferencing and free telephone conferencing tools. The web-conferencing tools allow you to participate in the virtual face-to-face meeting without the expense and time of travel. Give your marketing presentation, have a meeting, share web-pages, share your computer, whiteboard ideas, chat, or use the conference call feature. You can use the web-cam to create a video feed and also record the entire meeting. Some choices include:

- Dimdim
- GoToMeeting
- WebEx
- FuzeMeeting

If you just need a conference calling vendor try:

- Freeconferencecall
- FreeConference
- FreeConferenceCalling

Online Research

This is another area in which the cloud based programs rule supreme because of the speed, ease-of-use and availability of the information being sought. The legal research space has a plethora of vendors. There are many vendors in the legal research space with the giants being LexisNexis and Westlaw.

In Canada, CanLii³ has become a serious competitor to LexisNexis and Westlaw as it offers free access to both caselaw and legislation including advanced search tools and noting up. As a relatively new database the main limitation of CanLII is that older cases are not available. However Ontario Court of Appeal cases from 1994 onward are available as are over 1465 selected appeal cases prior to 1994.

Other significant players are BNA, CCH, and Louislaw/Aspen. In addition, most bar associations provide some type of free research through providers such as Fastcase and Casemaker. Other online legal research sites include Findlaw, LexisOne, Google Legal Scholar, Cornell's Legal Information Institute, and GLIN.

Online Backup

³ www.canlii.org. CanLII is funded by lawyers in Canada through their annual fees paid to each law society.

While many individuals are wary of using online backup services they are an ideal part of an overall backup strategy if used appropriately. In creating a total disaster recovery program the lawyer must also consider some noted disadvantages of using online backup. Some people believe that the disadvantages include the time it takes for the initial backup and any on-line restores, security, and corporate longevity of the backup firm. Given the potential concerns lawyers must consider ethical obligations to ensure that the information is secure and the company is secure (at least based upon reasonably known information). In addition, it is very important to ensure that the data being transmitted is protected by appropriate encryption during its transmission over the internet and when being held by the third-party vendor. When looking at the issue of encryption of the backup data, lawyers should look at companies that allow the lawyer to be the sole holder of the encryption key. However, if the attorney is the sole holder of the encryption key then you must ensure that the key is securely kept. If the lawyer loses the key, the backup information is lost for good because the data cannot be unencrypted.

Companies to be considered for online backup include:

- LexisNexis,
- LiveVault/Iron Mountain
- eVault
- Mozy Pro
- Corevault
- i365 (a Seagate Company)
- Carbonite Pro
- SOS Online Backup

Remote Access to Your Computer and Files

It is hard for lawyers to be masters of the law and the technology which we now need to successfully run a law office. The challenges that we face include increased demands that we have strong tools to protect client's personal data, to prevent the loss of data resulting from a lost laptop, or lost USB flash-drives, and the constant confusion about which version of a document is the most current. The tools that allow you to automatically synchronize files across multiple computers and mobile devices automatically simplify our life because the documents are available regardless of which USB drive you picked up. You no longer need to carry a laptop or flash drive from place to place, and the most recent version of a document is always synchronized on your computer. As an additional benefit, these services act as a backup service to documents, and provide online storage making the files accessible anywhere and some give remote access to your computer.

- Microsoft's Live Mesh (includes remote desktop control)
- SugarSync
- DropBox
- MobileMe
- Box.net

For remote access/control of your computer, you can use:

- LogMeIn
- GoToMyPc

Collaborate Online

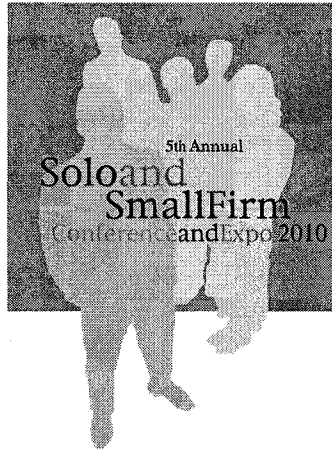
Most online collaboration sites are based upon wiki platforms where you can set up a front page where participants can share information, set out a common calendar, set tasks and reminders, and even share pictures. These platforms include:

- Google Sites (free)
- Microsoft Office Live Workspace (free, but only allows document collaboration)
- OfficeZilla (free)
- Dialawg (freemium)
- PBWorks (paid, but more full featured).

The practical issues with these sites range from difficulty of set-up to flexibility in use. Some, such as Microsoft Office Live Workspace do not work with iPhone or Firefox but work well with the core Microsoft products thanks to an add-in which integrates them seamlessly. Others, such as OfficeZilla have a long learning curve but provide a lot of extra features and options. All of them are worth exploring in this day of increased mobility. You will no longer be tethered to your office once you unleash the power of Cloud Computing.

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www.masslomap.org, <http://twitter.com/rodneydowell>, <http://masslomap.blogspot.com>.

Online and Virtual Collaboration: The future is now.



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*Massachusetts Law Office Management
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E. Susan Elliott, LSM, *Good Elliott Hawkins LLP*

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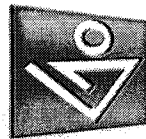


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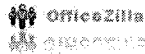
Rodney Dowell

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A screenshot of the Clio website homepage. At the top is the Clio logo with the tagline "Practice Management Simplified". Navigation links include Home, Tour, Buzz, Blog, About, and Sign Up & Try It. A main headline asks "Still using Excel?" and states that attorneys across North America are making their practice more efficient with Clio. Below this is a navigation bar with links to Dashboard, Tasks, Document Management, Time Tracking, Billing, and ClientConnect. A section titled "Connect with Clients" describes Clio ClientConnect as a secure web-based client portal. It mentions that attorneys can send invoices and clients can pay via PayPal or other online payment systems. At the bottom, there are two buttons: "Sign up now (free 30 day evaluation)" and "Or read the Buzz".

Case-Management Tools



James, Reception





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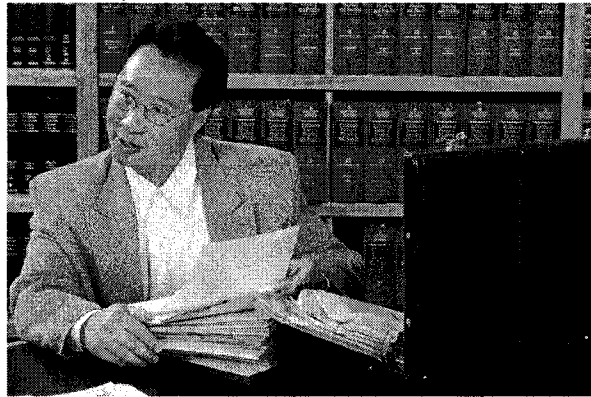
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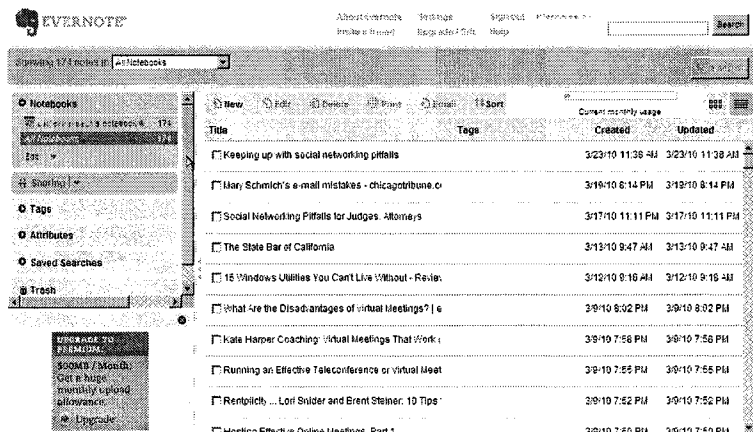
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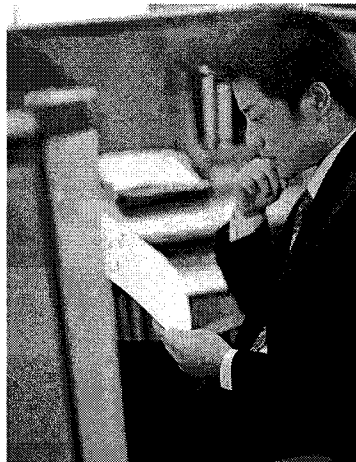
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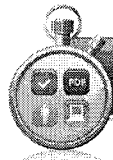
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Survey Monkey Questions for PMA	Courtney to 4 collaborators
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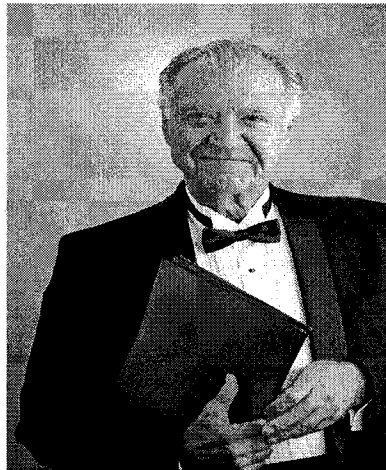
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Frank, Deal Maker



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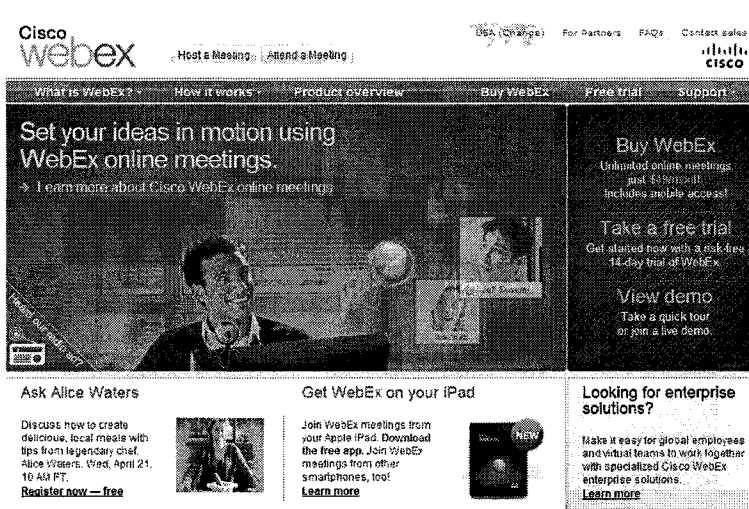
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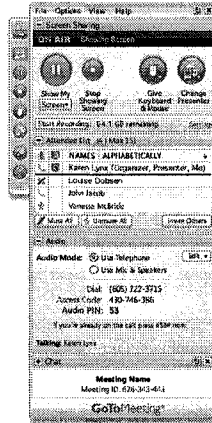
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- Multiple monitor support*
- Mac and PC support
- Chat

For Attendees:

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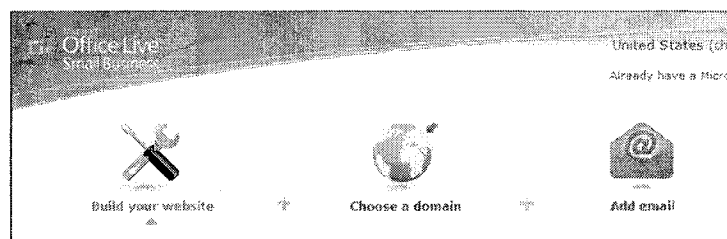
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