

WHAT EVERY ATTORNEY
SHOULD KNOW ABOUT
E-SECURITY

ALSO, ESI

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WHY SHOULD I CARE ABOUT SECURITY?

- ✻ Because it is a good idea!
- ✻ and, if that's not enough,
- ✻ Model Rule 1.6
- ✻ Rule 1.6 Confidentiality of Information
 - ✻ (a) A Lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation of the lawyers services;

HIRE A CONSULTANT

- ✻ Do not hire geek squad, you might as well hire my dad. He knows more about technology than those guys.
- ✻ Depending on your company size, you may have different needs. Ask around and check with the Bar.
- ✻ If you already have an IT department, you might want to bring in an outside company to test security and see if upgrades are necessary.

OVERVIEW OF WHAT NEEDS TO BE SECURED

1. The internet connection
2. The wireless network
3. Your computer
4. Your employees
5. Your data
6. Your power

1. YOUR INTERNET CONNECTION

- ✱ This is where all the bad stuff primarily happens.
- ✱ Right now there are about 2.095 billion users on the Internet, that's a few more people than the US population, so there might be some bad guys on the Internet.
- ✱ Tell the IT guy you want a "hardware firewall" and make sure it has VPN and ask about one that is "adaptive" or updates automatically.

1. YOUR INTERNET CONNECTION

- ✿ If your office is small you could use this to secure your network but, since this is not an adaptive appliance, it will become vulnerable over time.



The screenshot shows a Gizmodo article titled "Netgear Hardware Firewall". The main image is a Netgear ProSafe 802.11g Wireless VPN Firewall (model FV6318). Below the main image is a navigation bar with several small thumbnail images. The article text reads: "First things first, secure your network; that means a firewall. Especially when it's a discrete piece of hardware, like this Netgear Prosafe Wireless firewall that helps guard against DDoS attacks and packet sniffing. \$150."

GIZMODO 381,513 views, Jun 23, 2011 1:30 PM

NETGEAR ProSafe 802.11g Wireless VPN Firewall **MODEL: FV6318**

Netgear Hardware Firewall

First things first, secure your network; that means a firewall. Especially when it's a discrete piece of hardware, like this Netgear Prosafe Wireless firewall that helps guard against DDoS attacks and packet sniffing. \$150.

If you have more than 8 employees, you might need something bigger which is why you are going to talk to your IT guy about this.

1. YOUR INTERNET CONNECTION

- ✻ Since most of you use Windows, you have to get some kind of protection.
- ✻ You will need anti-virus/malware/phishing/firewall/spam software which is going to slow your computer down.
- ✻ Or, you could get a Mac and skip this step.

2. YOUR WIRELESS NETWORK

- ✿ If your office has a wireless network and it is unencrypted, that's bad. All your data is available for anyone to just grab and use. If you don't know what encryption is, you're in big trouble.
- ✿ It is very easy to secure your wireless connection to avoid having this guy pry into your files.

2. YOUR WIRELESS NETWORK

- ✱ If your clients use your network, tell your IT the following:
- ✱ Client v. Privileged network. Clients need to only go to the internet and should not have access to the file servers.
- ✱ The Privileged network is for your employees and should not broadcast an SSID.
- ✱ Make sure your all networks are using WPA-2 encryption, at a minimum.

2. ~~YOUR WIRELESS~~ SOMEBODY ELSE'S NETWORK

- ✻ If you have a laptop and you go out of the office, DO NOT, UNDER ANY CIRCUMSTANCES, CHECK EMAIL, BANK ACCOUNTS, FACEBOOK, E-HARMONY, or any other account you sign into, without doing the following:

2. ~~YOUR WIRELESS~~ SOMEBODY ELSE'S

1. Go to an https:// site

❖ When you type www. it takes you to a site with “http:”. An http: site is not a secured connection allowing anyone on the internet or network to grab your login credentials. Always check to make sure you are at an https: site when logging in.

2. Use a mobile hotspot from the cell phone company. This will prevent you from surfing on a spoofed network and will make you more productive.

C. YOUR COMPUTER

AND YOUR CELL PHONE

- ✻ How many people have a password on your cell phone?
- ✻ Your computer?
- ✻ You need a passcode on both, remember Rule 1.6?

I DON'T LIKE TYPING IN PASSWORDS THEY ARE SO BORING

- ✿ Yep, and so is sitting in your house looking for a new career.
- ✿ A password on your phone and computer takes less than 2 seconds to enter and should automatically lock after a reasonable period of inactivity.

SO NOW YOU WANT A PASSCODE

- ✻ You are going to have to remember this passcode so make it good, not easy.
- ✻ Included in these materials is a guide to setting a good password.
- ✻ Make sure your passwords are different for different sites.

IV. YOUR EMPLOYEES

- ✿ Employees usually don't pose a risk as long as you are paying them, it is when you fire them that things get problematic.
- ✿ Talk to your IT consultant about setting your server to have file permissions set so that if an employee is fired, you can lock them out of the confidential files by deleting his/her access.
- ✿ Also, tell your IT guy you want to know how to stay secure and your employees to know as well. He may be able to suggest a class or instruct your employees him/herself.

5. YOUR DATA

- ✿ One of your most valuable assets is your data. Think how crippled you would be without your files, go-bys, etc.
- ✿ Back it up often, in duplicate, and offsite.
- ✿ Offsite is the most important aspect of this mantra.
- ✿ If your building burns down or a thief steals the server and the backup system, you're done.

5. YOUR DATA

- ✱ These guys will automatically backup your data somewhere else over the internet.
www.barrcudanetworks.com
- ✱ Dropbox.net (they have had some security issues of late so might want to try the company below)
- ✱ Box.net (more security, but costs more)
- ✱ www.Mozy.com (Bar's offsite backup suggestion)

6. YOUR POWER

- ✻ Loss of power means down time and down time means lost income.
- ✻ Based on your budget, get backups in the following order:
 - ✻ First Priority is a Battery Back up for:
 - ❖ Server
 - ❖ Network
 - ❖ Internet
 - ❖ Phones
 - ❖ VPN, and
 - ❖ Backup
- ✻ The items above are critical services that do not like to be turned off suddenly and take a long time to get back online. This costs you income.

6. YOUR POWER

- ✻ Second Priority is to get Battery Backup for:
 - ❖ Attorney computers (not necessary if a laptop)
 - ❖ Computer Monitors.
- ✻ The reason you want your attorney's to have battery backup is they can keep billing and making money.
- ✻ One other side benefit of a backup solution is that most battery equipment prevents power surges from blowing expensive equipment, which could ruin your day.

7. NOT ON ORIGINAL LIST

- ✿ Use Google or Microsoft for your email hosting. You can have your domain name, and google/microsoft will do all of the hard stuff like spam, virus, security.
- ✿ This keeps all the bad stuff out of your file server and things like security and upgrades are handled by and IT staff you could never afford.

MORE SCARY STUFF

✻ Electronically Stored Information or ESI

ELECTRONICALLY STORED INFORMATION (ESI)

- ✿ ESI is a big deal since we are moving away from paper. Each day 1.5 billion emails are sent in the US. More than 99% of new information is created and stored electronically.
- ✿ ESI includes e-mails, web pages, word processing files, computer databases, or anything that can be stored in the memory of computers, hard drives, CDs, DVDs, flash drives, and phones.

ESI

- ✻ ESI can be changed easily, sometimes without human intervention. ESI is not fixed in a final form and is ever changing.
- ✻ Prepare early. If you know you are going to have future litigation, you should consult with a forensic computer consultant to find out how to best preserve the data for future litigation. This may mean getting a snapshot of all of the data right before you file.

ESI

- ✻ This snapshot will not come cheap and is something you must do to avoid sanctions since you will not be able to control your clients' data.
- ✻ This includes information that a party 1) knows or should reasonably know is relevant to the action, 2) is reasonably calculated to lead to the discovery of admissible evidence, 3) is reasonably likely to be requested during discovery or 4) is the subject of a pending discovery request.
- ✻ This is primarily applicable to companies, but should be considered if you are going to file a suit for an individual.

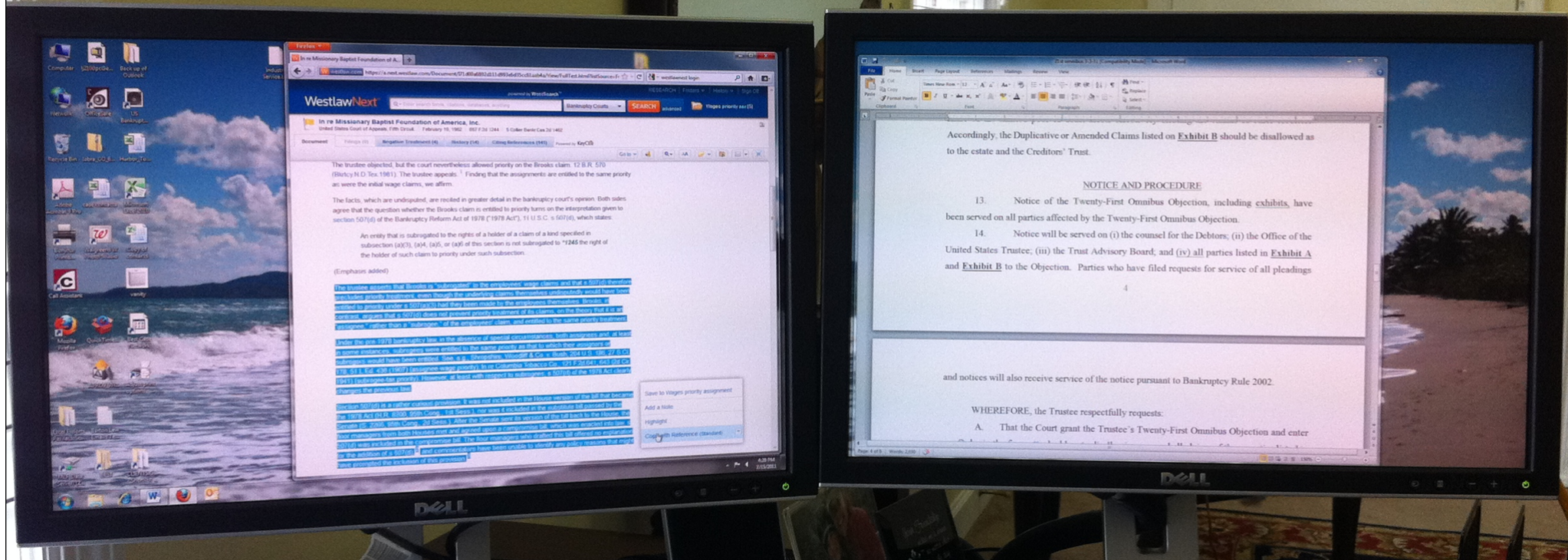
COOL STUFF

- ☼ I am going to give you some pointers on how to be more productive, save money, and look cool.

PRODUCTIVE

- ✻ Get a mobile hotspot for your office to work on the road. This will allow you to work in the car, at the airport, in court, at the beach, or if you lose your internet you can still work.
- ✻ Get two monitors for you computer.
- ✻ Our whole office is on dual monitors and would never go back.

DUAL MONITORS



WestlawNext

In re Missionary Baptist Foundation of America, Inc.
United States Court of Appeals, Fifth Circuit, February 29, 2012, 807 F.2d 1244, 51 Collier Bankr. Cas. 3d 1402

Document: [Negative Declaration \(1\)](#) | [History \(1\)](#) | [Citing References \(14\)](#) | [Print](#) | [Email](#) | [Share](#)

The trustee objected, but the court nevertheless allowed priority on the Brooks claim, 12 B.R. 570 (Bankr. N.D. Tex. 1981). The trustee appeals. Finding that the assignments are entitled to the same priority as were the initial wage claims, we affirm.

The facts, which are undisputed, are recited in greater detail in the bankruptcy court's opinion. Both sides agree that the question whether the Brooks claim is entitled to priority turns on the interpretation given to section 507(e) of the Bankruptcy Reform Act of 1978 ("1978 Act"), 11 U.S.C. § 507(e), which states:

An entity that is subrogated to the rights of a holder of a claim of a kind specified in subsection (a)(3), (a)(4), (a)(5), or (a)(6) of this section is not subrogated to "1245 the right of the holder of such claim to priority under such subsection."

(Emphases added)

The trustee asserts that Brooks is "subrogated" to the employees' wage claims and that a 2011 transfer included priority treatment, even though the underlying claims themselves are not subrogated. The trustee argues that a 2011 transfer included priority treatment of all claims, on the basis that it is an "employee's claim" under the 1978 Act, and entitled to the same priority treatment as the employees' claims. The trustee also argues that Brooks is "subrogated" to the employees' wage claims and that a 2011 transfer included priority treatment of all claims, on the basis that it is an "employee's claim" under the 1978 Act, and entitled to the same priority treatment as the employees' claims. The trustee also argues that Brooks is "subrogated" to the employees' wage claims and that a 2011 transfer included priority treatment of all claims, on the basis that it is an "employee's claim" under the 1978 Act, and entitled to the same priority treatment as the employees' claims.

Section 507(e) is a rather complex provision. It was first added in the House version of the Bill that became the 1978 Act (H.R. 8200). Congress then amended the Bill to exclude the subsection that became section 507(e) from the automatic stay provisions. After the Senate took its version of the Bill to the House, the House amended the Bill to include the subsection that became section 507(e) in the final version of the Bill. The House amendments were both House and Senate amendments. The House amendments were both House and Senate amendments. The House amendments were both House and Senate amendments. The House amendments were both House and Senate amendments.

Accordingly, the Duplicative or Amended Claims listed on Exhibit B should be disallowed as to the estate and the Creditors' Trust.

NOTICE AND PROCEDURE

13. Notice of the Twenty-First Omnibus Objection, including exhibits, have been served on all parties affected by the Twenty-First Omnibus Objection.

14. Notice will be served on (i) the counsel for the Debtors; (ii) the Office of the United States Trustee; (iii) the Trust Advisory Board; and (iv) all parties listed in Exhibit A and Exhibit B to the Objection. Parties who have filed requests for service of all pleadings

4

and notices will also receive service of the notice pursuant to Bankruptcy Rule 2002.

WHEREFORE, the Trustee respectfully requests:

A. That the Court grant the Trustee's Twenty-First Omnibus Objection and enter

PRODUCTIVE

- ✻ Did you know BestCase will let your clients fill out schedules online?
- ✻ Did you know you can import schedule data directly into BestCase from Excel?

SAVE MONEY

- ✿ Google for email (or Microsoft) means less money for a server when you upgrade next.
- ✿ Consider a Mac mini (1/3 cost of cheapest windows server). It uses less electricity and is super small.



SAVE MONEY

- ✻ This is not for everyone, but the smaller firms could lose their desk phone and switch to google voice. It costs nothing to make or receive a call. It will forward calls to your computer, cell, home, etc. **FOR FREE.**
- ✻ Believe it or not, it will transcribe your voicemails and let you email them to others.
- ✻ www.google.com/voice

SAVE MONEY

- ✻ Get rid of your desktop
- ✻ Laptops have enough power and ability to serve as a desktop and a road computer.
- ✻ Consider a mac, they cost more but have better battery life, reliability, no need for anti-virus etc. software, and fewer mechanical breakdowns. All of which means more billables.

SAVE MONEY

- ✻ Use free software. Not stolen, free.
- ✻ Try openoffice.org (free word, excel, power point). It just looks different.
- ✻ Go Green. This means reducing the amount of paper you print, using equipment that uses less power, turning things off, etc. All of which saves money.

OTHER PRODUCTIVITY MEASURES

- ✻ WESTLAW NEXT is great. Research is easy, accurate, and fast. If you are on fixed fees, this means less time spent on research for better results. If you are not, it means better results but lower billables. Its worth a try and Westlaw will give you a trial that might hook you.
- ✻ Get a headset for your phone- definitely not cool but once you get on a two hour committee call you will thank me for this idea.
- ✻ Go wireless so you can get up and walk around.