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## Cloud control: Feeling at ease with online files

POSTED: 11:25 AM FRI, MARCH 9, 2012  
BY NANCY CROTTI

Going paperless is so attractive to solo and small firms: The only space their data need take up is the size of their computers or iPads — wherever they are — and it makes looking up and sharing files a lot faster.

These lawyers are also likely to be on the move, working from home or in shared offices, meeting clients in public spaces and wanting to share information with them without having to lug around reams of paper.

So what's not to like? How about someone getting access to their online files, stored in what's known as "the cloud?"

The federal Government Accountability Office defines cloud computing as "an emerging form of computing where users have access to scalable, on-demand capabilities that are provided through Internet-based technologies." It goes on to warn about security risks, and that's what pulls many lawyers up short.

To protect client privacy, lawyers who store information through online services such as Dropbox, SugarSynch, MS Live Mesh, SpiderOak and Wuala must be sticklers for integrity, accessibility and confidentiality, said Sean Harrington, a blog author for the computer and technology law section of the Minnesota State Bar Association.

A computer forensics expert based in Eagan, Harrington defines this type of integrity as being able to trust the system in which you store information. "You need to make sure that it's not going to be altered in any way," he said.

Lawyers must also always have access to the data and keep it confidential to comply with the professional responsibility rules surrounding the safekeeping of client information, he said.

While he appreciates the desire for convenience, Harrington also believes in the power of backing up any data stored in the cloud on a server in the attorney's office or on an external hard drive that's encrypted.

He and others also warn that lawyers should encrypt data before storing it in the cloud. Even though Dropbox provides encryption, services like SecretSync and TrueCrypt allow users to encrypt data before it goes into Dropbox or similar storage sites.

Despite a security breach at Dropbox in which accounts were accessible without passwords for four hours one day last June, legal ethics attorney Eric Cooperstein of Minneapolis believes losing data is the bigger bugaboo than having someone steal or alter it.



Sean Harrington, pictured on a visit to the Bloomington Police Department, said lawyers who store data in the cloud "need to make sure that it's not going to be altered in any way." (Staff photo: Bill Klotz)

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"The security issues of storing data online are too remote to outweigh the need to protect and back up data," Cooperstein said. "All of the risks that are associated with storing files online are reasonable and acceptable risks for most lawyers in solo and small-firm practices."

Cooperstein and Harrington both advise lawyers to get in the habit of reading the online security information provided by services such as Dropbox before deciding which, if any, to use. Lawyers must also keep up with changing technology and make sure that the site they've chosen still allows them to be in compliance with the rules of professional responsibility, Harrington added.

"Dropbox seems to be the most popular because it works really well, and it's really cheap," said Cooperstein, who pays \$99 a year to store 50 gigabytes of data. Dropbox stores the first two gigabytes for free. "I've had Dropbox now for over two years. I've been paperless for longer than that."

Cooperstein likes knowing that Dropbox automatically syncs his data to his home laptop.

"It happens in the background, and it's completely seamless," he said. "Not only do I have online backup, but I have copies on two computers and there's the nicety of being able to access them wherever I am."

To minimize the paper in his office, Cooperstein shreds the files that have closed, storing their information only in the cloud. He has been practicing law for five years and believes that lawyers who have been practicing longer may find that the volume of paper files they have is a reason for holding back.

"I've been one of the paperless evangelists in downtown for a couple of years," he said. "It surprises me how slow some people have been to adapt, but I'm ever hopeful."

Harrington has found that the lawyers who are most leery of storing data in the cloud don't have any backup or redundancy in their offices. "If their hard drive fails and service goes down, it's very possible that they can lose a lot of data," he said.

Even the most fearful may eventually have no choice.

Colorado mandated e-filing of documents with its courts about five years ago. Hennepin and Ramsey counties continue to participate in pilot projects begun in 2010 that use e-filing for documents with their courts. Eight other Minnesota counties, which have yet to be identified, are supposed to join them this spring, according to a spokesman for the Minnesota Judicial Branch. The statewide transition is expected to take several years.



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