Practice Success 101: Hey! You! Get Off of My Cloud

by Peter Roberts

Cloud computing — also known as software as a service, or SaaS — is remote electronic data storage on the Internet. Unlike traditional methods that maintain data on a computer or server at a law office, data stored "in the cloud" is kept on large servers located elsewhere and maintained by a vendor.[1] If you have used Google Docs or Google Calendar, you have been in the cloud!

The 2010 ABA Techshow featured a track called "Practice in the 'Cloud.'" I attended the Techshow hoping to learn more about this up-and-coming approach to storage of law-office data. The bottom line is:

1. It's here.
2. It's not going away.
3. Your ethical obligations, particularly confidentiality of client information, still apply.

Data stored on the web likely may be moved to different servers as vendors optimize their efficiencies and follow their own back-up policies for their customers' data. This means that multiple copies of your clients' data may come into existence.

Vendors offer several "models" for their services. One model that you may be familiar with is backing up client data. This use of the cloud is getting closer to mainstream in a law practice. The service periodically communicates with your computer system and backs up what you have told it to back up. The process goes on in the background and is usually not noticeable. Vendors include Iron Mountain, Core Vault, and MozyPro, among others.[2]

Another model is to offer both software and service for handling your practice needs such as time and billing, trust accounting, general accounting, documents, notes, research, conflicts checking, and e-mail. Vendors include Clio, Intuit, and Rocket Matter. Ask these vendors how they enable you to keep a usable copy of your data locally on your computer.

As opposed to back-up, "data storage" is another model. Data storage vendors keep your documents and allow controlled access to the documents. You may allow a client to see only his documents, for example, or grant access to certain documents only to certain employees in your office. Usually copies of the documents are maintained in your office as well. NetDocuments is a leading vendor.

Another model is the "work-area" concept. Here, you work within the vendor environment to collaborate with others who have permission to access the work area. You may have heard of "deal rooms" in this context. PBWorks is a leading vendor.

A twist on the work-area concept is the service offered by a company called Legal Workspace. In this model, the vendor takes your software applications and loads them onto its servers, allowing you access to the programs and the informa-

tion they contain. Familiar software titles such as Microsoft Office and Amicus Attorney are loaded (hosted) and maintained on the vendor's servers. An allied concept is "exchange-server hosting." With such exchange-server hosting services, you gain access to the advantages of networking and remote access for Outlook's folders, such as calendar and e-mail, without the necessity of a server in your office.

Yet another model is the legal "storefront" approach. Here, your website and the storefront are linked to provide legal services online. DirectLaw is a vendor in this arena.

All of the models described above charge a fee per month per user or by amount of server space you use. Interestingly, Amazon.com is a major vendor of the server space to many of these other vendors. The WSBA Law Office Management Assistance Program provides a list of questions to ask these online vendors as part of your due diligence. Cloud computing is still very new and time must pass as the kinks are worked out before lawyers can feel completely confident of adding such services into their practice mix. In addition, the American Bar Association is beginning an examination of the ethical implications associated with lawyers using these services. ◊

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Notes

1. See "Get Your Head in the Cloud," *ABA Journal*, April 2010, at http://tinyurl.com/yhxrf47.

2. WSBA's Law Office Management Assistance Program (LOMAP) recommends two back-up solutions. The first can be the web as described from client data. The second is a "disk image" of your entire hard drive. This image saves your client data, programs, and operating system.