

AWARD **WINNERS**

continued

For the past several years she has worked with the local judiciary to create the Conciliation and Focus program in Ingham County. Casey was served as President of Ele's Place.

The Camille S. Abood Distinguished Volunteer Award is presented to members of the Ingham County Bar Association who have distinguished themselves by making voluntary contributions of time and talent for the benefit of others.

Mark Burzych presented the **Thomas E. Brennan Sr. Lifetime Achievement Award** to Hon. David W. McKeague, US Court of Appeals, for his years of service. Judge McKeague was first appointed to the US District Court for the Western District of Michigan in 1992 by President George H.W. Bush and has served on the US Court of Appeals for the Sixth Circuit since his appointment by Pres. George W. Bush in 2005.


Judge McKeague is strong representative of the award, which is given to lawyers who have made a significant and long standing contribution to the advancement or improvement of the justice system and the betterment of the legal profession in the State of Michigan and have also attained professional excellence as demonstrated by accomplishments in the law or service to the profession during his or her career.

The last award, the **Legal Services of South Central Michigan Pro Bono Award**, was presented by Elizabeth Rios to Kimberly L. Savage, Savage Law, PLC. LSSCM gives the award to recognize the importance of pro bono work in the community. Savage believes the legal system should be available to all, and not just to those who can afford it. She serves as a private practice panel attorney for low-income clients



Mark Kellogg (left) with Hon. David W. McKeague, who was honored with the Thomas E. Brennan Sr. Lifetime Achievement Award.

referred by LSSCM and she also accepts pro bono assignments from other local assistance programs.

Sponsors for the event included Alane & Chartier PLC, Church Wyble, P.C., Fahey Schultz Burzych Rhodes, PLC, Foster, Swift, Collins & Smith, P.C., Fraser Trebilcock Davis & Dunlap, P.C., Lexis Nexis, Loomis Ewert Parsley Davis & Gotting, P.C., Sinas Dramis Brake Boughton & McIntyre, P.C., Speaker Law Firm, PLLC and Willingham Coté, P.C. 

HOW WE WENT TO THE CLOUD

An overview of cloud-based law firm practice management solutions

Seemingly every day we see either an article or an advertisement aimed at attorneys for “cloud” services. But what are cloud services and how can they help attorneys be more efficient and deliver more effective services to clients?

The American Bar Association has stated that “[b]roadly defined, cloud computing (or “Software as a Service”) refers to a category of software that’s delivered over the Internet via a web browser (like Internet Explorer) rather than installed directly onto the user’s computer.

The cloud offers certain advantages in terms of minimal upfront costs, flexibility and mobility, and ease of use.” ([See link.](#)) This article will provide a brief overview of some of the available cloud based tools for attorneys and how our firm has implemented them.

A number of providers offer comprehensive cloud based practice management solutions for attorneys. There are multiple established cloud service providers such as Clio, Rocket Matter, MyCase, and LexisNexis, and newer challengers in the arena, such as PracticePanther. Each provider offers its own feature set specific to that provider. The key feature common among these services is the ability to access the system from nearly any device that has an internet connection.

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Rusek is an associate attorney with White Law PLLC in Okemos. His practice focuses on business law and litigation, civil litigation, appellate law, criminal law and estate planning. Rusek has represented established businesses, new businesses, professionals, individuals, and clients involved in multi-party litigation, among others. He is a graduate of Oakland University and Michigan State University College of Law.

IN 2010, OUR FIRM WAS USING A DEDICATED SERVER IN A LOCAL DATA CENTER—AT A HEFTY PRICE. WHILE ATTORNEYS AND STAFF COULD ACCESS SOME DOCUMENTS AND TIME-KEEPING SOFTWARE FROM THE SERVER, THAT WAS LARGELY THE EXTENT OF OUR UTILIZATION OF THE INTERNET.

Generally, these services offer tools to manage contacts, matters, documents, calendars, time keeping, and billing in one centralized platform. They also offer more advanced features, such as the ability to automate document creation, perform conflict checks, track advertising campaigns, track firm analytics, and manage legal research. Some services have allowed third-party vendors the ability to integrate into their cloud system. This allows integration with cloud services such as Dropbox, Evernote, Office 365, QuickBooks, as well as legal specific integrations, such as applications that automate time tracking and the client intake process.

In 2010, our firm was using a dedicated server in a local data center—at a hefty price. While attorneys and staff could access some documents and time keeping software from the server, that was largely the extent of our utilization of the internet.

Calendars were kept for individual attorneys with inconsistent collaboration between them. Attorneys and staff had smart phones, but they were used to access email and little else. Billing was done from a single computer, and a paper file for every client was the norm. Attorneys were required to take paper files to court, and everyone was restricted to Windows computers.

With these limitations in mind, we began searching for a better way to manage our practice. In 2011, multiple companies had begun offering cloud based practice management software. After testing multiple platforms, we decided to use Clio. Since making the switch, our attorneys and staff now use a mix of Apple and Windows based desktop and laptop computers, iPhones, and iPads to access to our platform as it is not dependent on the operating system of the device.

In our practice, time is tracked directly in each client's matter in Clio, documents are uploaded, stored, and sorted by the client's matter, notes and tasks associated with matters are tracked and accessible through Clio, and the system allows quick access to contacts that are associated with different matters.

Clio creates bills and handles the accounting for our operating and trust accounts. Our clients are able to download documents that we share with

them through a secure encrypted web portal. Client inquiries and the client intake process is completed through the use of Lexicata (which integrates with Clio) to automate the creation of retainer agreements and deliver them electronically for signature, automate standard communications to clients, and to track analytics related to client acquisition.

The two key components of this system are its accessibility and the interconnection of data and information throughout.

Perhaps the biggest change we have implemented is how we manage our clients' files and how readily accessible they are to attorneys and staff. Today, every piece of paper that comes into the office is scanned and uploaded to the cloud and associated with its respective matter in Clio. Every piece of paper that leaves our office is scanned and uploaded, too.

In addition to .PDFs, every Word document is available to download directly from the cloud —thus maintaining a searchable form database. Attorneys are no longer required to carry paper files to court as long as they have their iPhone or iPad available. The files can be accessed through a device's standard web browser or through a dedicated app. We have a saying that our office could burn down and there would be little or no effect on our ability to represent our clients the next day.

While implementing a system like we have is not the perfect fit for every firm, it has offered our small firm a great deal of benefits. The greatest benefit of our system is that our attorneys can practice from any location with an active internet connection at any time.

Whether we are in another state or another country, we are only a click away from our practice. Further, our attorneys and staff are more connected and informed than ever before. Each matter's information is immediately updated and available to each attorney and staff member in real time. Our clients benefit from our efficiency and our responsiveness.

However, moving to a cloud based practice is not without cause for concern, though. First and foremost, you must be aware of the potential risks to your clients' sensitive data stored in the cloud. Second, you must be aware of the potential ethical implications of using cloud services (and any other digital service).

TODAY, EVERY PIECE OF PAPER THAT COMES INTO THE OFFICE IS SCANNED AND UPLOADED TO THE CLOUD AND ASSOCIATED WITH ITS RESPECTIVE MATTER IN CLIO. EVERY PIECE OF PAPER THAT LEAVES OUR OFFICE IS SCANNED AND UPLOADED, TOO.



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The first concern, data security, will always be at issue with any computer connected to the internet. Being informed of encryption and other security protocols is a necessity for every attorney—whether your data is stored in a cloud service or on any other device connected to the internet.

With our system, our data is protected by SSL encryption in SAS 70 Type II certified data centers. Further, these servers are security tested daily to help ensure the safekeeping of our clients’ data.

Attorneys must also consider the ethical implications of using cloud services. The American Bar Association provides an excellent resource in its Cloud Ethics Opinions Around the U.S. website. ([See link.](#)) . Almost every state that has addressed the use of cloud based services by attorneys has concluded that it is permissible provided that the attorney uses “reasonable care” (the reasonable care standard varies slightly in its requirements between states).

Michigan has not yet issued a formal opinion regarding cloud services. However, the State Bar of Michigan does offer a multitude of services and information through its Practice Management Resource Center. ([See link.](#))

The Practice Management Resource Center provides many valuable resources related to cloud computing and other legal technologies.

This article has barely scratched the surface of the benefits and concerns related to emerging legal technology. There are many more benefits to cloud services, and client and ethical concerns to account for, than can be discussed here.

However, there can be no doubt that we are in an age of change in the legal profession, and the most agile and willing firms will benefit from new technology, while attorneys unwilling to offer the services that clients demand will be left behind. □



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Good intentions lead to *unintended consequences* in Ingham District Courts

Sometimes simple conduct, even when intentions are good, can be against the law. This principle is often articulated when a client utters the phrase “but all I did was...” or “I didn’t mean to...”

Most defense counsel nod with empathy in these situations. Seasoned attorneys are able to explain the legal implications to a client whose conduct may have been simple, and intentions good, but still against the law. It is often the difficult part of the job, to explain to good people how he or she may have violated the law. But this is the job of a criminal defense lawyer.

An opportunity exists for local defense counsel to explain to the district courts of Ingham County and to the Ingham County prosecutor’s office how their decision to create an order for the distribution of forensic interviews is a simple act with good intentions, but violates the law.

Here is what appears to be the background:

Our legislature passed a series of laws in the 1960s through 1980s that protect minors making accusations against adults for sexual assault. In those circumstances, the police procedure is to conduct something called a forensic interview.

MCL 600.2163a prohibits the distribution of the forensic interview, even to defense counsel, unless certain circumstances are met. Once in receipt of the forensic interview, defense counsel could very easily

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Abood has been a partner of the Abood Law Firm since 1997. The Abood Law Firm has offices in East Lansing and Birmingham. Andrew is a lifelong resident of Ingham County, but he regularly represents clients throughout Michigan and the entire country. He specializes in criminal defense, personal injury, domestic relations, and corporate litigation.

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