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The Legal Connection

ADDRESSING THE NEEDS OF LAW FIRM MANAGEMENT ONE FIRM AT A TIME

Who owns the servers/connection?

Who's Data Is It Anyway?

Recent events and scandals have highlighted what can happen when an employee uses an employer's equipment or connection to the Internet for non-work related communications - whether such communications are through their employer's e-mail or not.

Unfortunately, many employees believe that by signing into a private e-mail account or by using third party instant messaging software their communications somehow bypass their employer's systems and are considered "personal".

Such simply is not the case. If you use any part of your employer's equipment to produce a communication, that communication can become part of the business records of your employer.

This means that for lack of a better word, any "traffic" on a company's network or equipment (PCs, cell phones, etc.) are part of the business records of the employer and can not only be reviewed by authorized employer representatives, but be discoverable in future law suits.

Moral of the story: plain and simple – don't use your employer's electronic resources for personal communications. If you keep your personal business away from your employer's equipment and network, you'll never have to worry about a newspaper or court case printing your "private" thoughts.

Also, if you're in business with more than just one or two employees, year end makes a great time to review/update your office, computer and internet use policies. (See *Year End Technology Report* on pg 3.)

Once an employer reaches a certain number of employees, they become subject to increased regulatory obligations through local, state and federal governmental agencies. Policies already in place should be reviewed and updated annually by a local employment and labor law attorney familiar with your industry.



Most employees don't realize that virtually anything they do on their work computers is archived within the company and could end up in tomorrow's headlines or next year's court's records.

David Simon, Esq.,
www.WeComply.com

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Sir Winston Churchill

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SPELLCHECK ON THE FLY

I type so fast, I'm usually three words ahead of any automatic spell check. This nifty feature contained in most word processing software automatically checks, catches and marks spelling errors by highlighting with red underlining.

One way to correct on the fly without backspacing is to complete the sentence and then simply mouse over the red word and right click.

A window opens with several choices - highlight the correct word - click and viola!

Year End Technology Assessment

Yes, it is that time again! The air is crisp, people more apt to smile as the holidays approach and for most firms, the work load is slowing down as the year winds to a close.

Year end is the perfect time for law firm administrators and managing partners to take a look at their firm's practices and assess the hardware, software, policies and company processes – a Year End Technology Assessment (YETA).

Why do you need a YETA? First, it is always good to stay attuned to the physical equipment and processes in place at any firm. It is also always a good thing to understand how technology can improve or change over time and how best to position your firm to take advantage of any opportunities new technology presents.

From security risks of one wrong "OK" to a download that can wreak havoc on an entire company's network, to staying abreast of the capabilities of the actual machines on which the company information is routed; to a truly comprehensive back up plan, a YETA helps managers stay on top of it all. Additionally, a YETA can pinpoint where likely failures will occur, long before any dreaded loss or breach of information occurs.

When conducting a YETA, there are four areas of concentration:

- Hardware
- Software
- Office policies
- Work flow

Completing the hardware inventory is really quite simple with the free software from Belarc Advisor (www.belarc.com). Simply download the program and run it on each computer within your network. Belarc will provide a comprehensive diagnostic evaluation of the actual hardware, as well as a list of the software installed on each computer. Do not be surprised if this list is extensive -- many PCs come with pre-installed software that you may never use or even know was there!

In any event, when it has completed, Belarc will display a report on the screen. Print the report for each computer and label it with the name of the staff member or location of the computer. Along with keeping a copy of each report in a folder or IT binder, a copy can be folded and placed in an envelope taped to the side of the machine or monitor but be careful not to cover any vents. ;)

According to Long Island legal IT specialist Michael Glasser of www.computers-unlimited.com, any computer with a processor of less than 2 Gigahertz, memory of 500 Megabytes or less or running Windows 98 or ME as its operating system should be the next candidate for replacement.

Next step for the YETA is software. Make a list of the most important or frequently used software in your practice (billing, case management, e-mail, word processing, etc). Then check the Belarc report to make sure every computer has those applications installed and that all are running the same version.

It is very important to keep each application used at your firm within one or two versions of the most current release. Most vendors limit support and in some instances, older versions of software have security risks. You can visit each software company's website to learn the most current release information. Without a doubt, make sure that any virus software is up-to-date for any firm computer which has access to the internet.

The third step to completing a YETA, or office policies, will have the most impact on staff. Deciding what the policies are with regard to computer use is tricky from a political standpoint. However, this is an important issue which needs to be determined and also enforced as the security of your network depends on it.

Any policy put into place should consider:

- accessing personal e-mail accounts (AOL, Yahoo)
- use of "instant messaging" programs (MSN Messenger, AIM)
- personal use of the internet (paying bills, shopping during lunch)
- downloading from the internet (ANYTHING)

The fourth and final step is to analyze practice work flow to see where improvements can be made or technology applied. For instance, one easy to implement upgrade is to go from tape based dictation to digital. First, by making the tape an electronic file, attorneys can work remotely and no longer need to be in the office to leave a tape on their secretary's chair. Additionally, with digital dictation larger firms can take advantage of *smartsourcing* initial drafts, after hours and/or weekend work to a legal transcription service or Virtual Assistant, making costly overtime a thing of the past!

Along with improving the actual processes, identify the steps that repeat themselves with each file and client. Think like Henry Ford - the more time you can save from the drudgery of repetitive functions, the more time that everyone has to concentrate on the important aspects of running the practice.

Before you conclude your YETA, poll the staff or brainstorm with the whole office over coffee as to how they think they can be more efficient or where they see areas for improvement. Not only will you gain valuable insight from those processing the work, but being included rather than merely directed makes staff members feel a part of the solution. In the end this makes for much less resistance when the time comes to implement the actual changes translating into lower costs for training, etc.

The ultimate beneficiary of completing a YETA is the entire firm. Keeping computers and software up-to-date will improve performance, putting computer usage policies in place will limit disasters and automating repetitive tasks will relieve the strain and stresses on attorneys and staff alike. What are you waiting for – January 1 will be here before you know it!

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Michael Villages, IT Administrator
Yohman, Parker, Kern, Nard & Wenzel

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Gary Jackson, Esq.
The Jackson Law Group, PLLC

Any questions or to contact the editor e-mail:
editor@legaltypist.com or



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