



November 8, 2014
9:15 AM – 10:30 AM

**Session 505: So You've Started a New Firm: Now What? Practical
Collaboration Tools So Your Firm Will Thrive**

Starting your firm was a big leap, but now that you've done it, how will you ensure it thrives? New firms face a mix of unique challenges including establishing a brand, hiring a firm's first employee, and balancing the costs and opportunities of technology. This program will offer the dos and don'ts for new law firms from boutique firm practitioners who have successfully used strategic marketing, collaboration, and technology to level the playing field. The questions answered will include how to (i) develop your "bread and butter" areas of practice while you dream big; (ii) how to use technology to compete with the biggest players; (iii) how and when to hire your first employee; (iv) cloud computing including ethics; and (v) free online tools for small businesses.

Program Chair & Moderator:
Charles Jung, *Principal*, Nassiri & Jung LLP

Speakers:
Sun Choi, *Partner*, Metropolitan Law Group, LLC
John Lim, *Managing Partner*, Lim, Ruger & Kim LLP
Tom Zuber, *Founder & Managing Partner*, Zuber Lawler & Del Duca LLP

SO YOU'VE STARTED A NEW FIRM. NOW WHAT? PRACTICAL COLLABORATION TOOLS SO YOUR FIRM WILL THRIVE

Starting your firm was a big leap, but now that you've done it, how will you ensure it thrives? New firms face unique challenges: competing for business, hiring employees, and compliance. This program will offer the dos and don'ts for new law firms from small firm practitioners who have successfully used technology, collaboration, and strategic marketing to level the playing field. The questions answered will include:

- How to develop your bread and butter areas of practice while you dream big: a primer
- Firm growth & expansion: How and when to hire your first employee, and when to expand
- How to use technology to level the playing field in a small firm practice, including Cloud computing and free online tools

9:15-9:25 Introductions

Moderator: Charles Jung, Nassiri & Jung Program Chair

Speaker 2: John Lim, Lim Ruger

Speaker 3: Tom Zuber, Zuber Lawler

Speaker 4: Sun E. Choi, The Metropolitan Law Group, LLC

9:25-9:40 How to develop your bread and butter areas of practice while you dream big: a primer

9:40-9:55 Firm growth & expansion: How and when to hire your first employee, and when to expand

9:55-10:15 How to use technology to level the playing field in a small firm practice, including Cloud computing and free online tools

10:15-10:30 Questions

Ethics of Cloud Computing a/o July 31, 2014

Summary:

The ethics committees for the District of Columbia and Maryland have not issued any opinions on the use of cloud computing. However, New York, North Carolina, Florida and a number of other states have. To summarize their stances, "ethics commissions have determined that it is ethical for lawyers to use cloud computing." This seems appropriate enough considering email is so widely used, and it functions similar to cloud computing. The common theme in those opinions is that lawyers "must take reasonable steps to ensure that their law firm's confidential data is protected from unauthorized third party access".

Virginia did address the issue of cloud computing and permitted it. The standard is that of reasonable care and requires that lawyers using cloud computing:

- Exercise care in selection of the vendor.
- Have a reasonable expectation the vendor will keep data confidential and inaccessible.
- Instruct the vendor to preserve the confidentiality of information. (Legal Ethics Opinion 1872)

It is important to note that while a lawyer must "always act competently to protect the confidentiality of clients' information", it is not required to absolutely guarantee that a breach of confidentiality cannot occur when using an outside service provider, hence the reasonable care standard. Rule 1.6 of the Rules of Professional Conduct applies, which concerns confidentiality of information.

In August 2012, the ABA House of Delegates approved resolutions and updates to the Model Rules of Professional Conduct relating to cloud computing. They added subdivision (c), which requires lawyers to "make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." There are also suggested factors to consider when assessing the risks of unintended disclosure of confidential information:

- the sensitivity of the information
- the likelihood of disclosure if additional safeguards are not employed

- the cost of employing additional safeguards
- the difficulty of implementing the safeguards
- the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use

The ABA's commentary for Model Rule 5.3 also reinforces the "reasonable care" stated above: "a lawyer must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will depend upon the circumstances, including the education, experience and reputation of the non-lawyer; the nature of the services involved; the terms of any arrangements concerning the protection of client information; and the legal and ethical environments of the jurisdictions in which the services will be performed, particularly with regard to confidentiality."

To summarize, cloud computing is acceptable but lawyers need to focus on the issue of security by properly vetting and choosing a secure cloud computing service.

Sources:

http://www.americanbar.org/publications/gpsolo_ereport/2012/september_2012/ethics_cloud_computing_lawyers.html

Legal Ethics Opinion 1872 (<http://www.vsb.org/docs/1872-final.pdf>)

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[Limiting Risk in the Cloud: Smarter SaaS Agreements](#)

By [Tom Zuber](#) | Apr. 19. 12 | [Cloud Computing](#), [Daily Dispatch](#), [Ethics](#), [Legal Technology](#)





The cloud offers lawyers unparalleled software-as-a-service (SaaS) resources to manage their practices, organize documents and communicate with clients—but it can also blur the bright-line ethics rules. To safeguard the integrity of files in the cloud, you must think critically and creatively about the ethical and practical implications of using SaaS providers.

State bar ethics opinions haven't kept pace with the issues. So for now, you have to devise your own strategy to keep out of trouble. Here's a set of guidelines regarding SaaS Service Level Agreements (SLAs) to help you do just that.

Get Smart About Service Level Agreement Terms

Perhaps the most pressing ethics issue raised by the cloud, is the extent to which it protects confidential client information. Under the American Bar Association's Model Rules of Professional Conduct, a lawyer may not "reveal information relating to the representation of a client unless the client gives informed consent," except when the disclosure is made under narrow circumstances, or "is impliedly authorized in order to carry out the representation" ([Rule 1.6](#)). When using a cloud-based office system, it is essential to take reasonable precautions to ensure the privacy of client documents and other confidential information. Consider adding the following terms to any service level agreement:

- The SLA should be clear that the service provider has no ownership interest in any of the data subject to the agreement, and that all files are owned exclusively by the lawyer and/or client. The SLA may also forbid the provider from withholding data if there is a dispute under the SLA, and instead impose an affirmative obligation on the provider to release client data upon the attorney's request.
- The SLA should impose a duty on the SaaS provider to ensure an appropriate level of security and should provide protocols for addressing security breaches and notifying the lawyer of any security breaches.
- The SLA should address the SaaS provider's procedure for responding to subpoenas for the production of records. For example, the provider may be served with subpoenas for client data not only by parties who are engaged in litigation with the client, but also by third parties who have no direct dispute with the client and instead seek access to the client's data for other uses. The provider may not respond to these subpoenas, because the provider does not have true legal possession, custody or control over the documents—the attorney does. The SLA should make this explicit with a clause on the topic of subpoenas.
- The SLA should confirm that the SaaS provider's technology incorporates security protocols that meet industry standards for withstanding foreseeable attempts to unlawfully access data. Also make sure the SLA states that data is regularly backed up by the provider.
- The SLA should specify the provider's level of data encryption so that the lawyer may consult outside technicians to determine its sufficiency.
- The SLA should include a detailed section on how confidential client documents will be handled when the lawyer no longer wishes to retain them. For example, it may include procedures for data destruction when the lawyer no longer requires the relevant data and data transfer when a client switches lawyers or law firms.
- The SLA should list the geographic regions in which the SaaS provider will store the lawyer's data. The lawyer must determine whether the laws of the geographic regions in which the data will be held afford it the same privacy protections as the law in the state where the lawyer practices. If not, client documents could be subject to unwanted disclosure.
- The SLA should provide a method of retrieving data and returning it to the lawyer after termination of the SLA, or in the event that the provider goes out of business or has technical issues that cause a lapse in service. Check to see whether the format in which the data is stored (and will be returned) is compatible with software available through other providers.
- The SLA should also include a clause confirming that only employees specially trained in appropriate security measures will handle client data, and that employees will be bound by the provider's confidentiality policies not to disclose client data.

In addition, make sure you are meeting your ethics obligations by taking the following measures in your law practice:

- **Be safe.** Develop a system for backing up client data, so it remains accessible on-site even in the event of a SaaS provider failure.
- **Keep options open.** Maintain an alternate way to connect to the Internet.
- **Caution others.** Counsel clients who use cloud computing for their own internal documents to develop litigation hold procedures in consultation with their lawyers and SaaS providers.
- **Be transparent.** Disclose the firm's use of cloud computing technology to the client and consider referencing cloud computing in the engagement letter.

The practice of law is in the midst of a sea change regarding the storage and retrieval of client documents. The guidelines given here are intended to highlight areas of concern in cloud computing and suggest strategies for protecting client privacy. The goal is not to eliminate risk—which is impossible until a new technology is fully vetted by the legal community—but to limit it. Precisely because the benefits of cloud computing are so great, lawyers will be well-served by applying these guidelines when dealing with SaaS providers.

Tom Zuber is creator and Co-CEO of LawLoop.com. Tom, an intellectual property attorney, is also a Co-Founder and a member of the Management Committee of [Zuber & Taillieu](#) in Los Angeles. He earned his J.D. from Columbia University Law School. Read Tom's [full bio here](#).

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	Counter-Claim-JohnPetronio.pdf (230k)	Sun Choi, May 29, 2014, 1:06 PM	v.2			
	Custody Proposal by H.doc (26k)	Ashley Boyer, Jun 13, 2014, 10:49 PM	v.1			
	Email exchange re texts about Libby bein...	Ashley Boyer, Apr 9, 2014, 9:56 PM	v.1			
	Email re Missed Parenting class.pdf (71k)	Ashley Boyer, Jul 14, 2014, 9:25 PM	v.1			
	Email re Tax Return Issue.pdf (115k)	Ashley Boyer, Apr 16, 2014, 10:05 PM	v.1			
	Email re Tax Return and PSA 4.14.14.pdf (8...	Ashley Boyer, Apr 14, 2014, 10:26 PM	v.1			
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	Emails re 6.29 weekend.pdf (139k)	Ashley Boyer, Jul 1, 2014, 9:10 PM	v.1			
	Emails re Custody Schedule 6.27.14.pdf (10...	Ashley Boyer, Jun 29, 2014, 10:04 PM	v.1			
	Emails re Final PO Denied.pdf (136k)	Ashley Boyer, Jun 24, 2014, 9:52 PM	v.1			

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MD DC Financials	MD DC Financials	MD			
Acia	Acia	MD			
Payments Received	Payments Received	MD			
Whitla Ashley Out	Whitla Ashley Out	MD			
2013	2013				
PayPal Invoice	PayPal Invoice	MD			
Tax Summaries	Tax Summaries				
Closed Billing Charts	Closed Billing Charts	Beth			
1099 Contact Information Sheet	1099 Contact Information Sheet	Beth	1099	Blank - have all new 1099s fill out.	
2013 Payroll Chart	2013 Payroll Chart	MD	N/A		YES
Bank - Frederick County Bank	Frederick County Bank	MD	N/A		NO
PayPal Link for Clients On "Contact Us" Page	MD, LLC Online Payment Link for Clients	Beth	N/A		NO
Tax Return Summary 2013	2013 Tax Return Summary	MD	N/A		YES
Tax Return Summary 2012	2012 Tax Return Summary	MD	N/A		YES
Halt, Joseph 2013 (MD)	2013 Joseph Halt MD	MD	N/A		YES
Kim, Augustine 2013 (MD)	2013 Augustine Kim MD	MD	1099		YES
Lee, Annette 2014 (MD)	2014 Annette Lee	MD	1099		NO
Gerardi, Joella 2013 (MD)	2013 Joella Gerardi MD	MD	1099		YES
Lee, Jessica 2013 (MD)	2013 Jessica Lee MD	MD	1099		YES
Lee, Clarice H. 2013 (MD)	2013 Clarice Lee MD	MD	1099		YES
Choi, Sun E. 2013 (VA)	2013 Sun Choi VA	VA	1099		YES
Park, Jane 2013 (MD)	2013 Jane Park MD	MD	1099		YES
Park, Jane 2013 (VA)	2013 Jane Park VA	VA	1099		YES
2013 Bank Accounts Register Online	2013 Accounts Bank Register Online	MD	N/A		YES
Vane, Terry 2013 (MD)	Annette Vane Billing 2013	MD	1099		YES
Lee, Jessica 2014 (MD)	2014 Jessica Lee MD	MD	1099		NO
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A	B	C	D	E	F	G
1	Case No.	Client Name	Client Address	Type Case	Description	Completion
2	12/31/2011	206-475-2096	10571 Herby Blvd. Boca Raton, FL 33429	Civil	Issues resolved	Y
3	11/15/2011	301-666-2310 (B) 301-712-0853 (Mktg)	6831 Trimmer Court Frederick, MD 21701	Domestic	8/27/11 - Out of case, we were not able to communicate with client, she was in and out of jail. Her father ex/CM temp custody through his attorney.	Y
4	8/7/2011	301-899-6160 301-513-0201	606 Z 2111 3316 Maple Hill Road Frederick, MD 21704	Domestic	9/7/11 - Per client he wanted to go in a different direction to resolve a divorce issues closed	Y
5	10/31/2011	301-814-6146 (Email)	606 Z 2111 3316 Maple Hill Road Frederick, MD 21704	PI	Sam Demand Letter and received response. Parties do not have funds. Sent letter to client re: SOL case and let her contact representative further.	Y
6	9/2/2011	240-802-5211 (cell) 301-666-6252 (cell)	911-D Kennel Road Mt. Airy, MD 21771	Domestic/Child	9/22/11 - Received executed Order, issues resolved.	Y
7	5/11/2011	240-566-1444 641y8373@olx.com	167 Centre Street Bethesda, MD 20817	Domestic	5/9/11 Consent Custody Order executed in both cases and MDC's attached. Case resolved.	Y
8	4/29/2011	301-966-5607 301-966-5607	13112 Republican Circle Inglewood, MD 21742	Criminal	4/29/11 PDCJ - Judge Tiffany Anderson, SYEF. File is in 2010 closed drawer.	Y
9	5/3/2011	240-626-9579	606 April 2011 17174 Prince Road Suitland, MD 21150	Domestic	Issues resolved, order entered.	Y
10	4/18/2011	240-626-7930 (cell) 301-666-6252 (cell)	ev 10 2411 2 Prince Road, Suitland, MD 21150	Domestic	4/18/11 RxCJ executed Judgment of Absolute Divorce, case closed. FILE IN ACTIVE	Y
11	10/7/2011	301-831-0602 (cell) 301-831-0602 (cell)	2780 Adams Street Alexandria, MD 21109	Civil	10/9/11 - Issues resolved with return.	Y
12	12/14/2011	301-938-2068 ext. 4440	3606 Trimmer Parkway, #600 Centerville, VA 20120	Civil	Resolved.	Y
13	4/29/2011	301-938-2068 ext. 4440	3606 Trimmer Parkway, #600 Centerville, VA 20120	Civil	3/22/11 Order signed, parties settled, case dismissed.	Y
14	3/3/2011	301-938-2068 ext. 4440	3606 Trimmer Parkway, #600 Centerville, VA 20120	Civil	Resolved other counsel.	Y
15	5/6/2011	301-251-9724 (B) 301-251-9850 (cell)	10602 Magnolia Lane, Potomac, MD 20854	Civil	With executed and filed with Montgomery Co., POA and Advanced Divorce executed.	Y
16	6/28/2011	410-966-7500 (B) 240-818-1360 (cell) 240-818-5276 (cell) 301-117-5114 (ext) 301-117-5114 (ext)	PO Box 1907, Sausalito, VA 22083 apt 9710	Domestic	2/24/11 - Judgment of Absolute Divorce executed, case closed.	Y
17	3/9/2011	301-802-5211 (B) 301-721-4012 (cell) 301-666-6252 (cell)	6888 Woodline Road New Market, MD 21774	Domestic	Order entered, issues resolved. QROD still pending.	Y
18	3/3/2011	301-488-3371 301-630-0221 1 301-630-0221	10377 Pines Road Thurmont, MD 21788	Civil	Chroniclic license issues resolved.	Y
19	8/7/2011	301-802-5211 (B) 301-351-0718 (cell) 301-630-0221 (ext) 301-630-0221 (ext)	5635 Stranmillis Court Frederick, MD 21707	Domestic	8/7/11 - Per client issues resolved, no longer needs services.	Y
20	8/17/2011	301-480-5274 301-480-5274	1311 K Street, SE Washington, DC 20003	Civil	7/29/11 With executed.	Y
21	4/21/2011	301-515-1371	1422 Orange Avenue Houdywire, MD 20611	Child Support	4/20/11 - Client paid arrears, case dismissed. Order entered.	Y
22	10/25/2011	301-842-2108 (B)	125 Chatham Drive Waldorf, MD 21797	Custody Violation	10/25/11 - received fully executed consent order, case resolved.	Y
23	4/18/2011	301-514-1398 301-874-5557 (B)	2410 Carroll Road, Dundalk, MD 21222	Domestic	5/15/11 Consent Custody Order executed, issues resolved.	Y
24	5/14/2011	240-528-8781 (cell) 301-666-6252 (cell) 301-666-6252 (cell)	1733 Canal Run Drive Point of Rocks, MD 21777	Domestic	4/21/11 - Parties resolved all pending issues through separation agreement. 5/21/11 Judgment of Absolute Divorce executed, case closed.	Y
25	12/31/2011	301-666-5646 301-666-5646	PO Box 688 Mt. Airy, MD 21771	Civil	9/20/11 Judgment satisfied in full from garnishment.	Y
26	6/17/2011	410-489-4423 (B) 717-548-4838 (cell) 240-606-7128	1616 Bell Avenue Allentown, PA 18102	PO/Domestic	6/17/11 - Resolved PO; client staying with All to proceed with divorce.	Y
27	5/18/2011	301-686-7128	7615 Rocky Road Gaithersburg, MD 20882	Domestic	5/18/11 - Resolved issues with PO and negotiations. Client not going through with divorce right now, resumed contact earlier.	Y
28	5/18/2011	240-752-5254 301-686-7128 (cell) 301-686-7128 (cell)	7615 Rocky Road Gaithersburg, MD 20882	Criminal	5/13/11 - WCCC - Post Gally to DWI 1 year w/30 days with 15 months suspended probation upon release. \$120 Fine. Due \$500 NP remaining charges.	Y
29	5/28/2011	301-221-1861 (B) and (cell) 301-778-7781 (B) 301-778-7781 (B) 301-778-7781 (B)	1103 Fay Avenue, Beltsville, MD 21224	PI	Handled all matters for James and her 2 children, Marissa and Jane. Referrals and funds signed and disbursed.	Y
30	8/7/2011	717-632-0504 (B) 717-662-3622 (cell)	2200 Garston Road, Hanover, PA 17331	Civil	Demanded letter sent out.	Y

2013/2014 2012 2011 2010

CLOSED FILES

- * Keep closed files online for 5 years or more
- * No more documents to store
- * Have a close out procedure
- * Excel spreadsheets are organized by year and can be sorted
- * User friendly is the key
- * Best part of cloud computing

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About LawLoop

LawLoop is the most advanced document management system in the world. LawLoop revolutionizes legal software by integrating state of the art cloud based technology with attorney focused office software, through an online business-networking platform. LawLoop allows professionals to communicate, upload, download, edit, store, access, share and annotate documents seamlessly and securely with co-counsel, opposing counsel and clients. LawLoop's award-winning next-generation technology has resulted in over 10 patents and patents pending.



"I created LawLoop so that my colleagues and I at Zuber Lawler & Del Duca could use it. We were unsatisfied with literally every option on the market prior to LawLoop. Without exception, each is difficult to use, prone to incompatibility issues, exceedingly expensive, and aesthetically unattractive. Three years ago, I asked myself the following questions: 'If Zuber Lawler & Del Duca could have any system of software solutions I could dream up, what would it look like? How would we interact with it? How could it make administration of our law firm, the practice of law, and collaboration within an organization and between different organizations simpler, better and less expensive?' And then we built that."

—Tom Zuber, Creator and CEO, LawLoop

The Founders of LawLoop



Tom Zuber

Creator and CEO

Tom Zuber is the creator and CEO of LawLoop. Tom, an intellectual property attorney, is also a Founder and a member of the Management Committee of Zuber Lawler & Del Duca.

Tom was inspired to create LawLoop during his 7-year tenure as Zuber Lawler & Del Duca's first and only Managing Partner. With his brother Jeff Zuber, Tom founded Zuber & Zuber, now Zuber Lawler & Del Duca, in 2003 as a 3rd-year associate with no clients. Zuber Lawler & Del Duca now numbers more than 25 attorneys working in 11 different languages representing clients throughout the globe from offices in both Los Angeles and New York City, including nine of the Fortune 100 companies, and iconic government entities such as the FDIC.

While managing Zuber Lawler & Del Duca, Tom became increasingly frustrated with the choices (and prices) of generic and legal industry software applications, and what he considered to be disproportionate overhead associated with Zuber Lawler & Del Duca's technical department and servers maintenance. He decided to create something better from the ground up, namely a comprehensive and seamlessly integrated cloud computing portal that would replace all firm software, and eliminate the need for Zuber Lawler & Del Duca's technical department and servers. LawLoop is the result, and he now wants to share that result with the world. Tom's inventions relating to LawLoop have resulted in over 10 patents and patents pending, with more on the way.

Tom holds graduate degrees from both Harvard Government School and Columbia Law School, where he was a Harlan Fiske Stone Scholar. He graduated *summa cum laude* with a degree in engineering from Rutgers University.



Jeff Zuber

Co-Chairman

Jeff Zuber is a Co-Chairman of LawLoop. He is also a Co-Founder of Zuber Lawler & Del Duca, a member of the Management Committee of Zuber Lawler Del Duca, and a partner in its litigation department. Jeff's extensive litigation experience includes advocacy in both federal and state courts. He represents a wide array of clients, ranging from individuals to public companies, based in varying parts of the country and globe. His experience also includes appellate advocacy in both federal and state courts. Jeff litigates primarily in the areas of intellectual property infringement and theft, breach of contract, and corporate and partnership disputes.



Josh Lawler

Co-Chairman

Josh Lawler is a Co-Chairman of LawLoop. He also sits on the Management Committee of Zuber Lawler & Del Duca and is a partner in its transactional department. Josh's practice focuses primarily on corporate and intellectual property transactions including mergers and acquisitions, joint venture transactions, technology and media licensing transactions, corporate and securities

law and general corporate/transactional counsel services. Josh provides not just legal advice, but practical solutions to real world problems.

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