



Data Management Legal Challenges & the Cloud

August 24, 2016

Bill Tolson, Archive360
Jim Shook, EMC

EMC²

The Main Challenge for Law Firms

- Day to day firm data management has switched mostly to electronic data
 - Law firms must differentiate between firm business data, attorney case material, and client eDiscovery data
 - Client data volumes
 - Lack of strict data ingestion processes
 - Some attorneys hoard their client's data

Law Firm Data Storage Challenges

- Firm business records continue to grow
- Volume of eDiscovery related data from clients is exploding
 - Firms often can't dispose/return data after case conclusion
- New data formats
- New professional regulations
- Law firms have become a major target

Law Firm Data Storage Challenges

- Enterprise storage costs continue to climb
- Finding specific data becomes harder and more time consuming
- Access to client data from mobile attorneys

Law Firm Data Storage Costs

- Ongoing enterprise storage costs can run in the \$0.35 to \$0.50 per GB range
 - This includes regular backups
 - Replication
 - Disaster recovery planning
 - Data security
 - Annual support

Law Firm Data Security

- Key issues surrounding storage security for legal firms:
 - Ethical obligations
 - Changing client requirements (some with regular audits)
 - Increased threat landscape
 - More specialized personnel required

Serious Issues for Law Firms - Security

Law firms have been slow to acknowledge the problem and are sometimes unaware until it hits them over the head. Alan Paller, Director of Research for the SANS Institute, shared an interesting conversation he had with the Managing Partner and IT Partner of a large New York law firm:

Alan Paller: What exactly did the FBI agents tell you?

Law Firm Partner: They said that our files had been found on a server in another country. The server was used as a way station for sending data to a large Asian country. (Off the record they said it was China)

Alan Paller: Did they tell you which files?

Law Firm Partner: They showed us a listing of what they had. It was all our client files.

Serious Issues for Law Firms - Security

Law firms are a major target of hackers

In February of 2013, Mary Galligan, the former special agent in charge of cyber and special operations with the FBI's New York office, pointed out the growing problem when she stated "We have hundreds of law firms that we see increasingly being targeted by hackers".

"The vulnerability of American law firms to online attacks is a particular concern to law enforcement agencies because the firms are a rich repository of corporate secrets, business strategies and intellectual property."

[The New York Times, 3/26/2014](#)

"Fully 70% of large firm respondents reported that they didn't know if their firm had ever experienced a security breach."

[ABA TechReport 2013 – Security Snapshot: Threats and Opportunities](#)

"It's possible the information comes from a very secure source, a company with very good security. Then it goes to a law firm, and who knows what kind of security they are going to have"

[Lucy Thompson, Chair of the ABA's Section of Science and Technology Law 2012 - 2013](#)

Data Accessibility

- What are key issues regarding the accessibility of law firm data?
 - Attorneys are more mobile, more client work done away from the office
 - Clients want access and collaboration
 - Attorneys may load data on their (unsecured) laptops and phones
 - Sync-and-share
 - Many law firms have not upgraded enterprise security for mobile access

Potential Cloud Benefits

- Predictable long term storage of huge data sets
- High-level, standardized security
 - Encryption - Only the data owner has the key
- Automatic scalability - capacity on demand
- Trouble free access for Attorneys when out of the office
- Adherence to mobile data access best practices

Cloud Strategies

- SLAs
 - How many 9s?
 - How long can you wait for your data?
- Access requirements:
 - Hot/Warm/Cool/Cold
 - Low-cost 'cool' storage \$0.02 - \$0.15 per GB per month
 - Virtustream: Less with "warm" access
- Private cloud?

Cloud Security

- Encryption
 - Many cloud solutions have a high level of security protocols, staff experts, and external audits
 - Client data can be encrypted and moved to the cloud immediately
 - Encryption keys held only by the law firm
 - Firm case-specific security

Cloud Risks

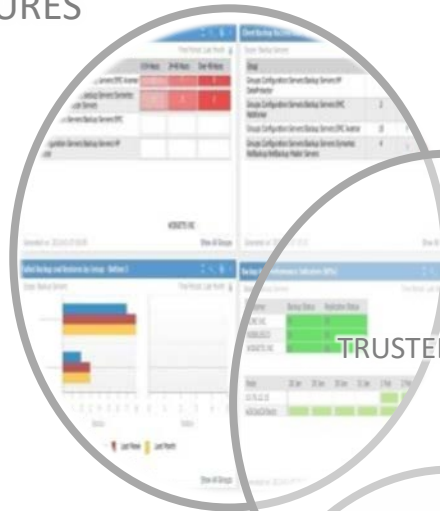
- What are key risks regarding cloud use by firms?
 - Potential access by a third parties/hackers
 - “Contractual” relationship to your data
 - Bandwidth and latency
 - Business issues and risk

EMC Virtustream



virtustream

SERVICE
FEATURES



TRUSTED

TESTED

SECURE
OPERATIONS



SECURE

COMPLIANCE



ISO/IEC 27001:2013

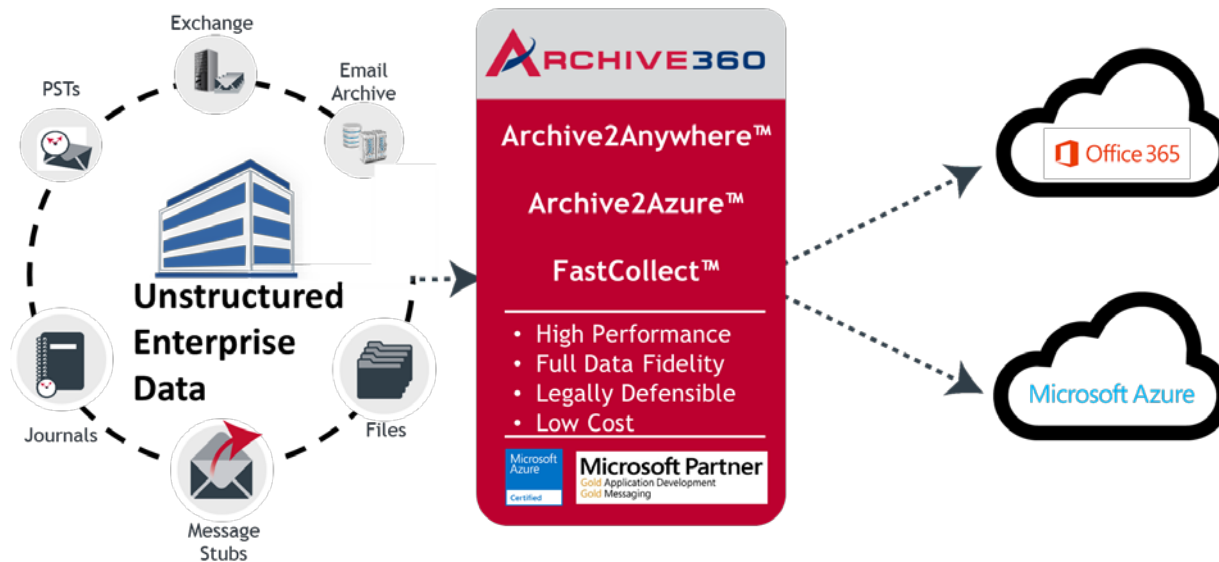


Security Standards
Council



Archive360 Archive2Azure

- The first regulatory compliance storage solution based on the Microsoft Azure Platform
- Long-term retention designed for “grey data” (low touch, inactive, and legal data)



Cloud Benefits Summary

- Self-service access
- Less firm IT involvement needed
- Built-in basic legal workflow
- Deliver results securely to outside or opposing counsel in the appropriate electronic format
- Provide detailed reporting

Thank You

- Contact information
 - Jim Shook
 - Jim.shook@emc.com
 - Bill Tolson
 - Bill.Tolson@archive360.com

The logo for EMC², featuring the letters "EMC" in a bold, blue, serif font, with a superscript "2" to the right.The logo for ARCHIVE360, featuring a stylized red and blue "A" icon to the left of the text "ARCHIVE360" in a bold, sans-serif font. Below the text is the tagline "POINT. CLICK. MIGRATE. STORE." in a smaller, all-caps, sans-serif font.