

# Best Practice Tips for the Virtual Law Office

By Stephanie Kimbro

**M**ost attorneys know it is their responsibility to keep up to date on the security risks associated with the use of technology for law practice management. Delivering legal services to clients online through a virtual law office, whether completely web-based or integrated into a traditional brick-and-mortar law office, requires added attention to daily best practices.

## The Door to Your Law Office

Think of a virtual law office as another door to your traditional brick-and-mortar law office or your home office. This door exists online through a secure portal and is accessible to both the client and attorney anywhere either party may access the Internet. You and your clients have the ability to securely discuss matters online, download and upload documents for review, prepare for trial, calendar tasks and deadlines, create legal documents, and handle other transactions related to the clients' case matter in a secure digital environment, including online invoicing. A law firm may also use virtual law practice to communicate and collaborate between the firm's associates and

staff who may engage in discussions related to case files. Each technology provider focuses on different aspects of practice management; your selection of software to implement a virtual law practice depends on which services you will be delivering to clients online or if your focus is on back-end administrative and management features.

## Daily Best Practices for a Virtual Law Office

Whether your virtual law practice is completely web-based or integrated into a traditional law office, your daily use of the technology determines the security of your law office data and mitigates malpractice risks. Be sure to check with the rules of professional conduct or ethics and advisory opinions of your state bar to determine if there are any restrictions on the use of technology to deliver legal services. You may also want to review the American Bar Association eLawyering Task Force's "Suggested Minimum Requirements for Law Firms Delivering Legal Services Online" at <http://tinyurl.com/34kauof>.

There are several ethical concerns to consider before setting up a virtual law practice, including thoroughly researching the third-party technology provider and understanding the hosting of your law office data online. If you choose to provide legal services to online clients for whom you will not

provide full-service, in-person representation, educate yourself about methods to responsibly unbundle legal services.

After setting up a virtual law practice, there are different ways to mitigate malpractice risks using the checks and processes set up in the technology as well as daily best practices. Before your client portal goes live, set up any customized malpractice checks within the system, such as jurisdiction checks or conflict-of-interest checks. Many of the legal SaaS (Software as a Service) providers have malpractice checks built into the application specifically designed for use by law practices.

Some of the more common best practices to follow are:

- **Jurisdiction check:** To avoid the unauthorized practice of law in other jurisdictions, first check the jurisdiction of the legal matter requested by the prospective online client. The registration process that the client goes through when creating an account will provide the attorney with notice of the client's physical location. Provide adequate notice to prospective clients of the jurisdiction(s) in which you are licensed to practice law and be prepared with a virtual practice to receive online requests for legal services outside of your jurisdiction.
- **Conflict-of-interest check:** Make sure you have a way to run conflict-of-interest

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—JoAnn Hathaway and Diane Ebersole,  
Practice Management Advisors

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checks on prospective online clients against both your online clients and any in-person clients or contacts. The best option would be to integrate online and in-person contacts into one database for a thorough conflict-of-interest check.

- **Terms and conditions of use:** Provide prospective clients with terms and conditions for use of the virtual law office. Include information about confidentiality, privacy, collection of data, and a description of the nature of the legal services you will be providing online, such as the description of unbundled or limited legal services or how you plan to communicate with the client using the virtual law office.

- **The attorney-client relationship online/defining the scope:** Have a clear process for establishing the attorney-client relationship online through the use of clickwrap agreements or other methods that simulate the traditional engagement letter process. Provide adequate notice of the scope of the relationship and receive a clear acceptance from the client as to the terms. How this notice is structured will depend on whether the virtual law office is completely web-based or integrated into a full-service law firm. The online client should have access to the terms of this agreement for future reference.

- **Response policies:** Create policies for responding to online clients to avoid unreasonable expectations. For example, you might respond to an online client request for legal services within 24 hours of posting. You may also set up auto-responder messages to notify clients when you have taken action on an item in their online files. These messages can be used to keep clients informed of the status of their cases when they are not logged in. You may also use virtual assistants to respond to clients through your back-end virtual law office.

- **Security:** Stay educated about security threats when practicing law using remote devices and learn how to mitigate those risks. Here are a few tips:

- (1) If you are working from home, use a hardware firewall. Configure the firewall so that it only accepts traffic that

is a response to requests made from behind the firewall. If you use wireless networking, ensure that all wireless traffic is encrypted with WPA2.

- (2) Keep antivirus software and all software patches updated. Turn on the software firewall for the computer.
- (3) Use a safer browser, such as Mozilla with the NoScript add-on installed, or use another pop-up blocker. Keep an eye on Google Chrome, which is also proving itself more secure as a browser than Internet Explorer.
- (4) Avoid free Wi-Fi hotspots when practicing remotely. Use a cellular phone modem adapter instead.
- (5) Back up your computer daily with an external portable hard drive and a backup software solution. Also consider backing up your computer files to the Internet with a service that you trust.
- (6) Keep virtual law office backups encrypted and look for full-disk encryption.
- (7) In the event that your laptop or other mobile device is stolen, prevent the risk of data being out of your control by retaining the service of a company that provides services that can lock down your computer, help you track it if stolen, and even delete stolen data.
- (8) Never write down your user name or passwords for your virtual law office and make sure that the passwords you create are strong. Change them occasionally.
- (9) Find ways to educate your online clients about protecting themselves using technology. This could be done through your virtual law office website or blog or even be included as a separate addition to the online engagement letter so that the client has information about security from the beginning of the relationship.

- **Website:** The website is the front door to your virtual law office and also the way you will advertise your legal services to prospective online clients. Provide adequate information for prospective clients about who you are, where you are licensed to practice law, and the nature of the legal services you can provide, such as whether

they are unbundled legal services or a full-service firm with a virtual offering. In addition to the State Bar rules and regulations pertaining to attorney websites, also refer to the “Best Practice Guidelines for Legal Information Web Site Providers” published by the ABA’s eLawyering Task Force, ABA Law Practice Management Section, and ABA Standing Committee on the Delivery of Legal Services at <http://tinyurl.com/33d9nbc>.

- **Online presence:** Creating a consistent online presence will help grow your online client base. However, you must walk a fine line between successfully marketing online legal services and avoiding risks that come with using social media, such as avoiding misleading prospective clients or creating the expectation of legal representation. Create a policy to handle online interactions. For example, tell clients how your firm will respond to requests to “friend” an attorney on Facebook or why the firm’s attorneys will not respond to tweets.

Virtual law practice presents a great opportunity to work more efficiently with your clients and to potentially attract a new online client base for your firm. In the near future, the public will expect a virtual practice from all legal professionals, just as it is a standard currently in other professional businesses including banking and investing. Employing daily best practices for the use of technology and maintaining high standards of professionalism in your virtual law practice will not only protect you from potential malpractice risks but also help to grow your practice online. ■



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