





Business Continuity for Law Offices in the Face of Coronavirus

Barron K. Henley, Esq., Partner
Affinity Consulting Group
bhenley@affinityconsulting.com

SMART BUSINESS STRATEGIES FOR THE LEGAL WORLD.

1

What Constitutes A Business Disaster?

▶ **Any event that makes the continuation of normal functions impossible**

▶ **Severity of the disaster is a function of:**

- ▶ **How long** it remains impossible for the business to function normally
- ▶ The **severity** of the impairment

Ohio Stay at Home Order Extended Through May 1
April 02, 2020



Michigan extends 'stay home' order to April 30: What you need to know

Order imposes new rules for stores to reduce foot traffic

ty

3

Disaster Avoidance

The ability to **avoid** an outage or **provide a controlled and well understood ability to recover** systems to normal operations



4

Harsh Reality

According to the Institute for Business and Home Safety, an estimated **25% of businesses do not reopen following a major disaster.**

According to FEMA, **40% of businesses do not reopen following a disaster and another 25% fail within one year.**

The foregoing are based upon **natural disasters** (fire, flood, hurricane, tornado, etc.) – **but is this any different?**



5



6



7

Natural Disasters



Home » 2010-2019: A landmark decade of U.S. billion-dollar weather and climate disasters

2010-2019: A landmark decade of U.S. billion-dollar weather and climate disasters

Author: Adam B. Smith

January 8, 2020

We just had five 1,000-year floods in less than a year. What's going on?



By Scott Weaver | [Follow](#)

Scott is a Senior Climate Scientist in our Washington office.

Published September 1, 2016 in [Climate](#) [Science](#)

Editor's note: This post was updated on Sept. 8, 2016, with results from a NOAA study on the Baton Rouge flood.

A 1,000-year flood is supposed to be extremely rare. Its chance of occurring in a given year: 0.1 percent.



'You can't fight this': California wildfires force evacuation in Sonoma county

- At least 185,000 evacuated as firefighters battle el diablo winds
- Governor calls state emergency as 2 million left without power



8

Power Failure

500,000 lose power as unrelenting Dorian marches into Canada

John Bacon USA TODAY

Published 2:03 p.m. ET Sep. 8, 2019 | Updated 4:24 p.m. ET Sep. 8, 2019

CLIMATE CHANGE AND A REALLY OLD GRID: WHY THE U.S. CAN EXPECT MORE POWER OUTAGES LIKE CALIFORNIA'S

BY **BLAKE DODGE** ON 10/9/19 AT 3:20 PM EDT

CALIFORNIA WILDFIRES

PG&E outages: Historic blackout under way, 1.3 million in Bay Area without power



J.D. Morris | Oct. 27, 2019 | Updated: Oct. 28, 2019 4:33 a.m.

9

Fire

Massive fire destroys Las Vegas office building, 100 firefighters involved



10

Internet Failure At The Office



11

Any of the foregoing events may necessitate
that you be able to **work remotely**



12

Therefore, You Need...

PRACTICE PORTABILITY

The ability to **communicate**, **draft** documents, **work** on your practice,
and **access all case information from anywhere**



WORK IS A THING YOU DO,
NOT A PLACE YOU GO.

ty.³

13



14

Untethered Practice

Is it possible for you to work with **maximum efficiency** when you're **not at the office**?



15

Untethered Practice

Is it possible to have **lawyers or staff persons** work for your firm who **aren't physically present**?



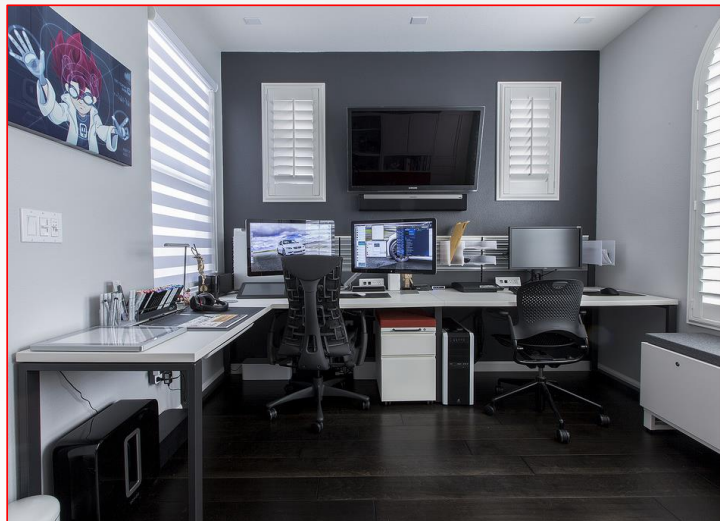
16

Trend Toward Untethered Practice

Technological advances have created the ability to run a full-service law firm **without a physical office.**

The potential of a business disaster makes it a **required capability.**

Used to be a **want**,
now it's a **need**.



17

Benefits of Untethered

You **lessen the severity** of being displaced and you **reduce the amount of time** before you can work normally again



18

Benefits of Untethered

Lower Overhead: Cost of physical space is often 2nd biggest expense.



19

Benefits of Untethered

Better Life/Work Balance: Easier to deal with personal and family needs; people are more comfortable and more relaxed.



20

Benefits of Untethered

Solitude When Needed: When one is under pressure and needs uninterrupted time to get something done, the office is often the last place they want to be



21

Benefits of Untethered

Get The Best Employees: They don't necessarily live close to your office



How to Hire GREAT Employees



22


Benefits of Untethered

Stay At Home Parents: Can make fantastic part time employees



23

Benefits of Untethered


Government of Canada
Gouvernement du Canada

MENU


[Home](#) > [Taxes](#) > [Income tax](#) > [Personal income tax](#) > [Completing a tax return](#) > [Deductions, credits, and expenses](#)
 > [Line 22900 - Other employment expenses](#) > [Salaried employees](#)

Work-space-in-the-home expenses

Note: Line 22900 was line 229 before tax year 2019.

You can deduct expenses you paid in 2019 for the employment use of a work space you pay for them under your contract of employment. These expenses must be used and has not reimbursed and will not reimburse you. Also, you must meet **one** of the following:

- The work space is where you mainly (more than 50% of the time) do your work.
- You use the work space only to earn your employment income. You also have a basis for meeting clients, customers, or other people in the course of your employment.


Department of the Treasury
Internal Revenue Service

Publication 587
 Cat. No. 15154T

Business Use of Your Home

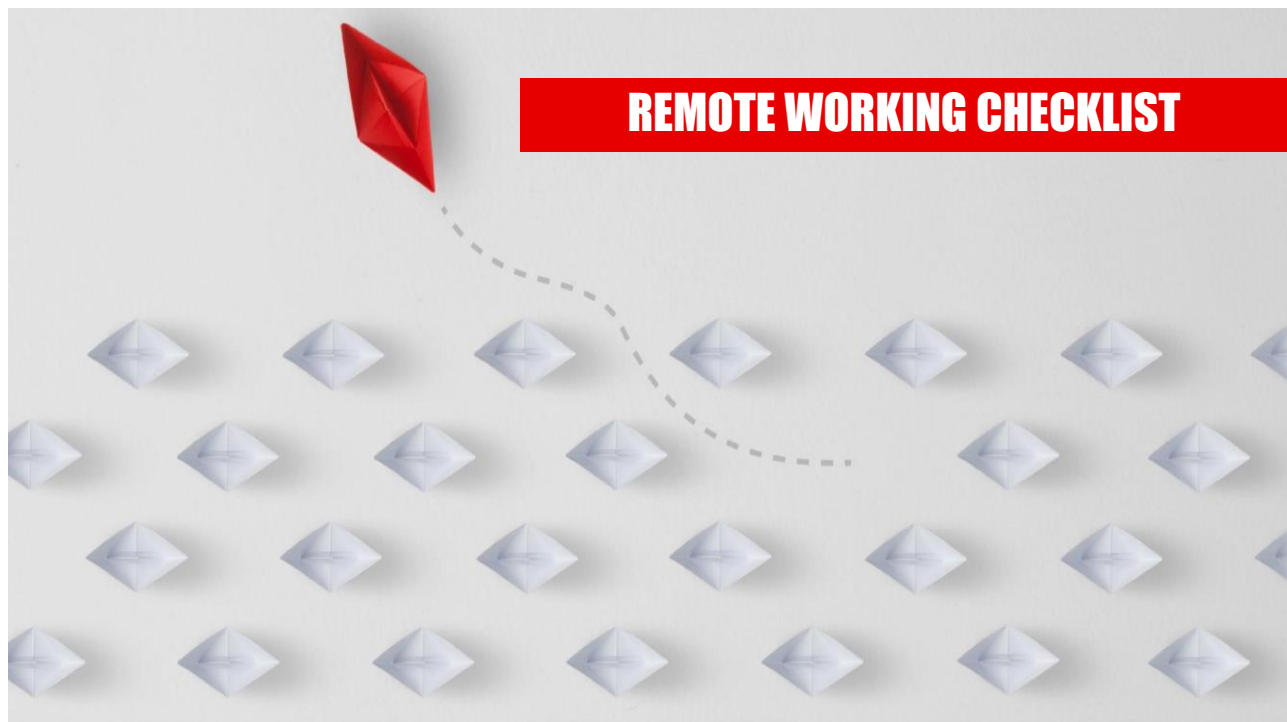
(Including Use by Daycare Providers)

For use in preparing
2019 Returns

Contents

- Future Developments** [1](#)
- Reminders** [2](#)
- Introduction** [2](#)
- Qualifying for a Deduction** [2](#)
 - Exclusive Use [3](#)
 - Regular Use [3](#)
 - Trade or Business Use [3](#)
 - Principal Place of Business [3](#)
 - Place To Meet Patients, Clients, or Customers [5](#)
 - Separate Structure [6](#)
- Figuring the Deduction** [6](#)
 - Using Actual Expenses [6](#)
 - Using the Simplified Method [10](#)
- Daycare Facility** [13](#)
- Sale or Exchange of Your Home** [15](#)
- Business Furniture and Equipment** [16](#)

24



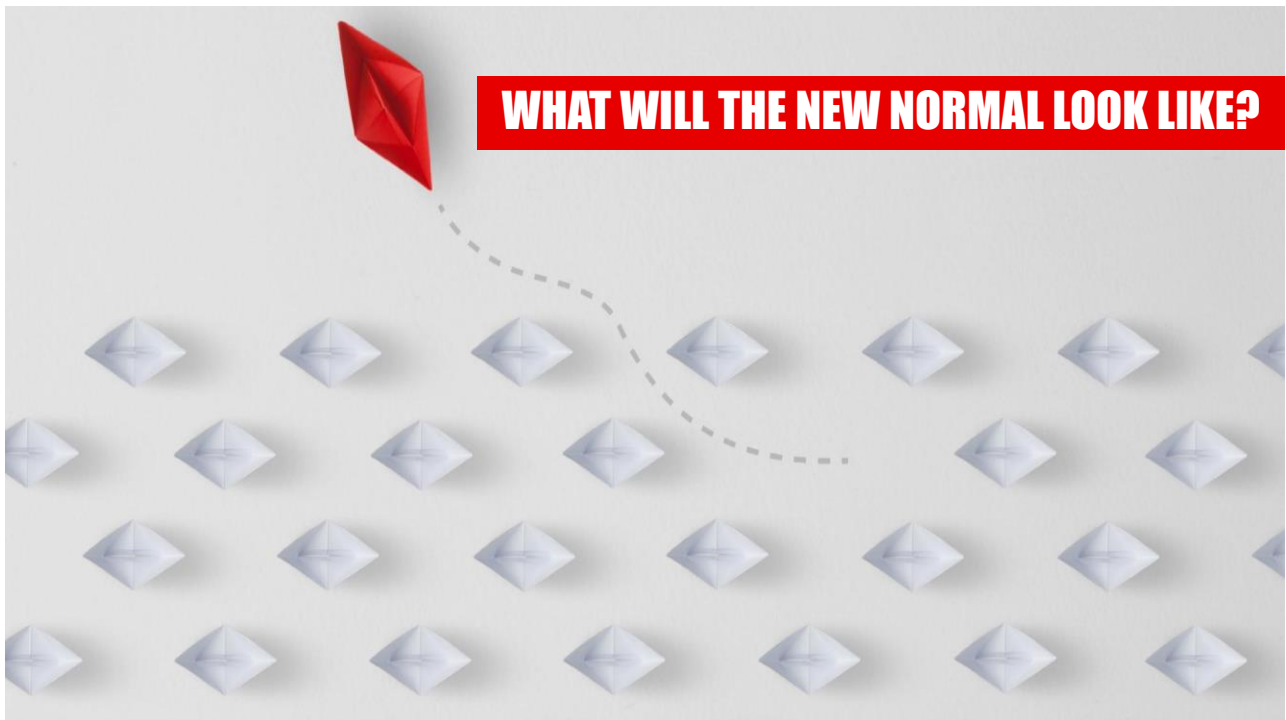
25

Remote Work Checklist

- ▶ **Electronic filing system** and **remote access** to the files – not reliant upon paper files
- ▶ **Mobile hardware**
- ▶ **Other required hardware** to work remotely
- ▶ **Mobile communications**
- ▶ **Billing & accounting** with remote access
- ▶ **Centralized, sharable client database** - case management system
- ▶ **Get documents signed** remotely
- ▶ **Security and protecting client data** when working remotely
- ▶ **Home workspace**



26



27

Who led the digital transformation of your law office?

- ☐ Managing Partner/General Counsel
- ☐ Office Administrator
- ☐ CFO
- ☐ IT Director/Outside IT Company
- ☒ COVID-19



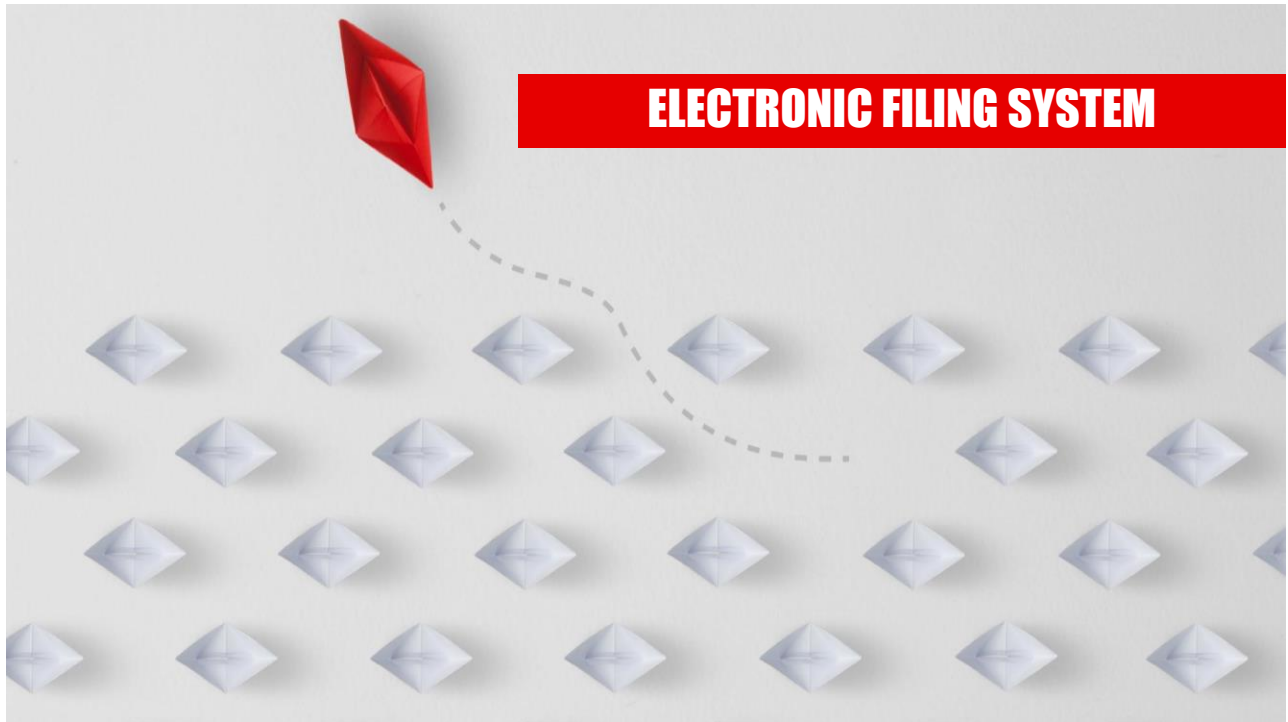
28

A Couple of Predictions

- ▶ **Practice portability** won't be a luxury, it will be a **requirement**
- ▶ **Internet reliance will grow** – so it makes sense to have a **backup**
- ▶ **Law offices will have a more geographically diverse workforce**
- ▶ **Web meetings instead of in-person meetings**
- ▶ **Lawyers less familiar with technology will be required to learn it x**
<https://www.michbar.org/pmrc/technology-competency>
- ▶ **What are you going to do differently?** Please email me at bhenley@affinityconsulting.com with your thoughts



29



30

Why Are We Still Talking About This??



31

Because it's still a problem



32

What's Realistic?

**Eliminate all paper?
Probably not**



**Reduce paper?
Absolutely**

33

Scanners Alone Don't Solve Problem

What You Hoped For



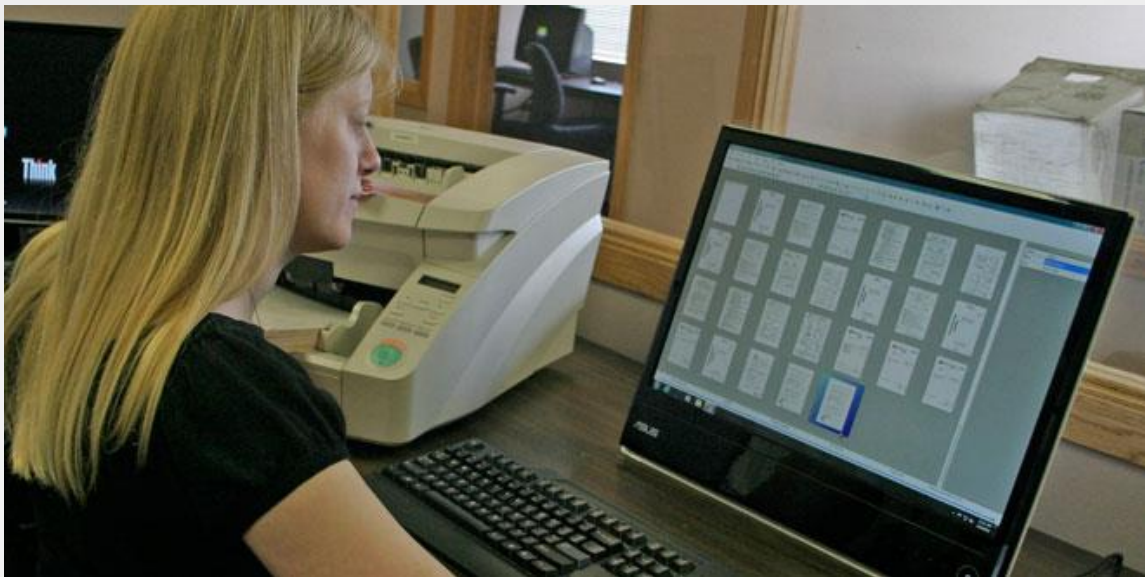
FREE YOURSELF!

Reality



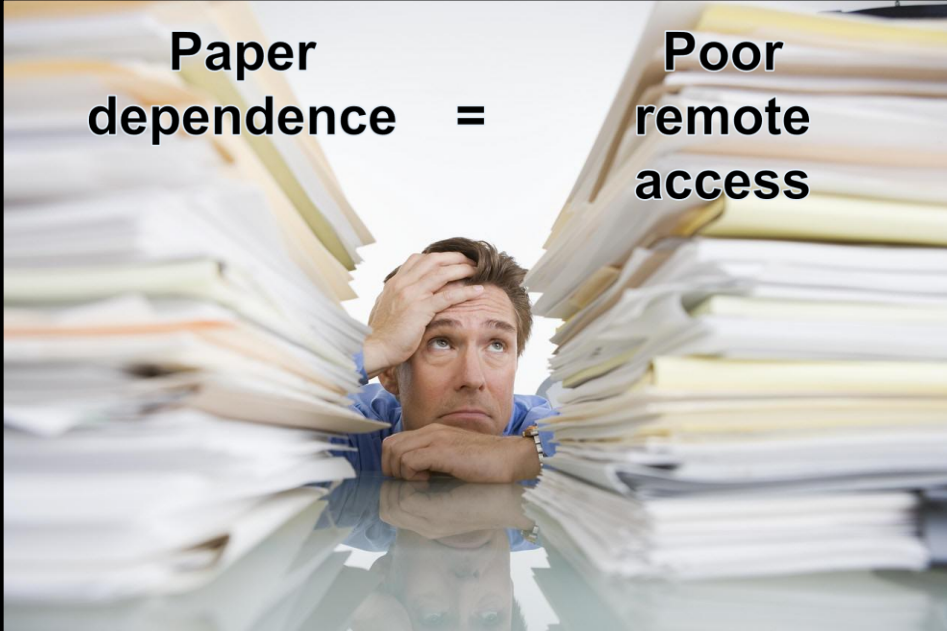
34

It's All About The Process



35

Paper dependence = Poor remote access

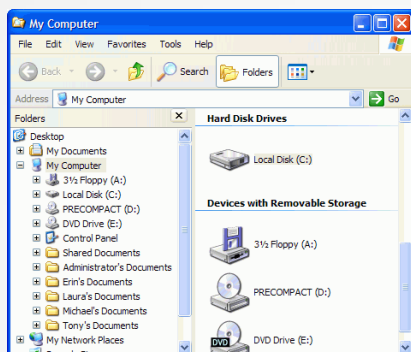


36

36

Solution

- It's fine to maintain some paper files
- But your electronic files have to be complete



=



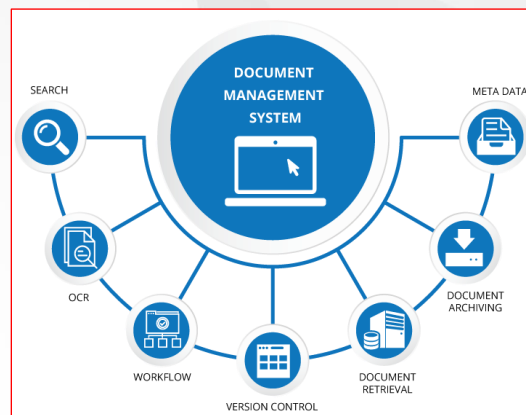
37

Two Basic Methods You Can Use

1. Plain folders + search utility



2. Document management system (DMS)



38

Paper Reduction Roadmap

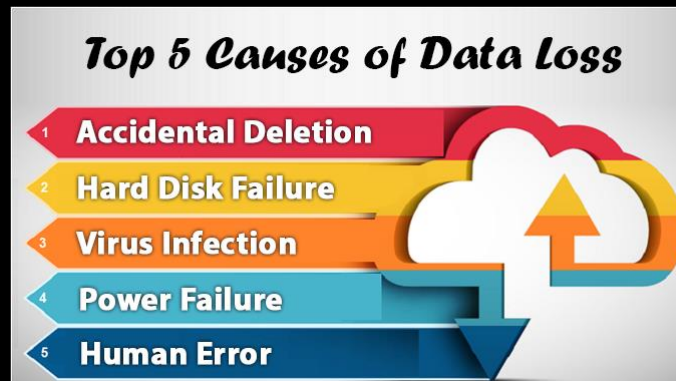
1. Backup systems & security (everyone has confidence in)
2. Hardware
 - A. Desktop Scanners
 - B. Dual monitors that rotate
 - C. Tablets/ultrabooks/laptops
3. Searchable PDFs
4. Search Program or Document Management System ("DMS")
5. If No DMS
 - A. One folder per matter
 - B. Consistent file naming convention
6. Digitize all incoming documents
7. Email must be stored outside your email program
8. Collaborative Technology
9. Write It Down & Provide Training



39

STEP 1:

Bullet-Proof Backup & Security



40

40

Backup & Security

- ▶ Redundancy critical
- ▶ Backup rules
 - ▶ No excuses
 - ▶ Unattended is best
 - ▶ Backup everything
 - ▶ Check the backup log
 - ▶ Off-site storage
 - ▶ No incremental backups
 - ▶ Run test restores
 - ▶ Have secondary method



41

Backup & Security

NEVER ASSUME

**TRUST,
BUT
VERIFY**

**KEEP
CALM
AND
JUST OWN
IT**



42

STEP 2: The Hardware



43

43

What We Normally See



Decentralized Printing

Centralized Scanning

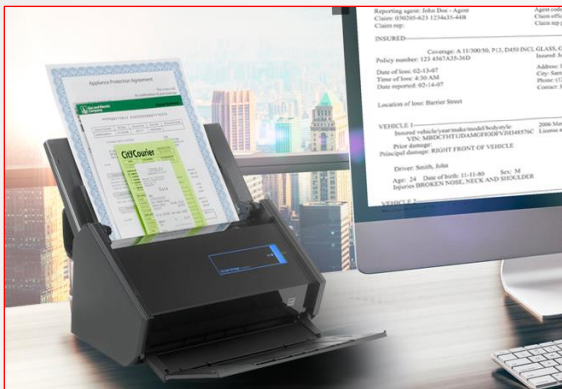


Affinity
CONSULTING

44

What We Recommend

Decentralized Scanning



Centralized Printing



Affinity
CONSULTING

45

Scanners

One copier v. many desktop scanners

- ▶ You may need a copier, but...
- ▶ **All success stories used distributed scanning**



Scanners

Key features for desktop scanners

- ▶ We prefer **sheet fed** v flat bed
- ▶ Document feeder
- ▶ Quiet
- ▶ USB connection
- ▶ Black & white or color, legal or letter & fast



- ▶ You don't need a copier if you have printers and scanners
- ▶ You can save **a lot of money** if you ditch the copier



48

Example from Client

- ▶ **Situation:**
 - ▶ 3 copiers and maintenance on 20 personal printers - **\$39,024.36/year**
 - ▶ Copiers never work, everyone hates them, they jam and eat documents
 - ▶ **No desktop scanners** – if you want to scan, you have to use the copiers everyone hates
- ▶ **Solution:**
 - ▶ Eliminate 18 personal printers & 2 copiers (keep 1)
 - ▶ Buy 2 HP LaserJet M608X printers (65 ppm) + stapler/stacker/collator + 2,100 sheet paper drawer
 - ▶ Buy 8 ScanSnap iX1500 scanners (30/60 ppm) & 1 fi-7300NX scanner (60/120 ppm)



49

Example from Client

3 year cost to keep 3 copiers & 20 personal printers **\$117,073**

3 year cost for 9 scanners, 2 new printers, 1 copier **\$44,662**

Cost savings over 3 years **\$72,411**

* They'll also save approximately \$1,683/year on toner



50

Recommended Flatbed Scanners

- ▶ **Xerox Duplex Combo Flatbed Scanner**
(25/50 ppm – \$224)



- ▶ **Fujitsu fi-7280** (80/160 ppm – \$1,835)



51

Recommended Sheetfed Scanners

- ▶ **Fujitsu ScanSnap iX1500**
(30/60 ppm – \$420)



- ▶ **Brother ImageCenter ADS-2800W**
(40/80 ppm – \$400)



- ▶ **Canon DR-C225W II** (25/50 ppm – \$412)



52

Recommended Sheetfed Scanners

- ▶ **Fujitsu fi-7160** (60/120 ppm – \$831)



- ▶ **Fujitsu fi-7180** (80/160 ppm – \$1,469)

- ▶ **Fujitsu fi-7300NX** (network scanner
60/120 ppm – \$1,070)



53

Recommended Portable Scanners

- ▶ **Fujitsu ScanSnap S1300i**
(8/16 ppm - \$248)

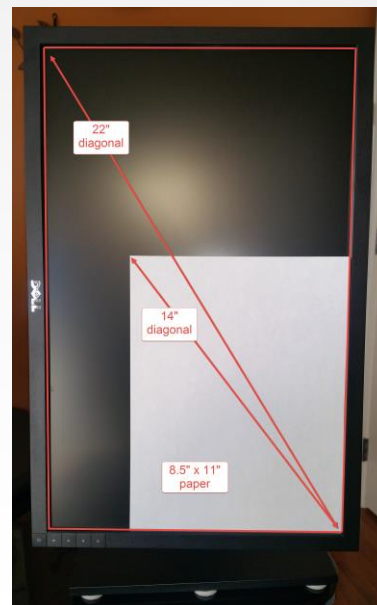
- ▶ **Fujitsu ScanSnap iX100**
(really slow - \$190)



54

Buy Monitors That Rotate

Easily read documents on screen



55

If Current Monitors Don't Rotate, Get a VESA Stand

Do a web search for **VESA monitor stand**

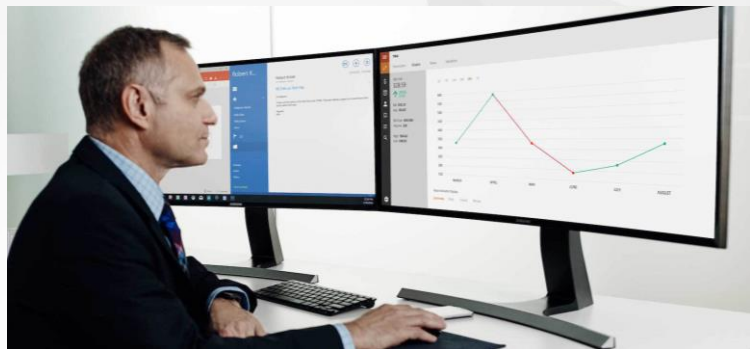


56

Dual Monitors Highly Recommended

\$1,000 + for a single 49" monitor x

\$280 - \$300 for dual 27" monitors x



Affinity
CONSULTING₅₇

57

Mobile Computer or Tablet

- ▶ You definitely need a **laptop or tablet** as your primary computer
- ▶ More on this later



58



STEP 3:

Searchable PDFs

59

Scanning Software

- ▶ Digital documents must be PDFs
- ▶ Portable Document Format is a file format that captures all elements of a printed document as an electronic image that you can view, navigate, print, or forward to someone else.



60

Types of PDFs

Image only PDFs x

- ▶ Just an image of original
- ▶ Cannot be searched for words contained inside
- ▶ Default type of PDF from scanners

Searchable PDFs (what you want) x

- ▶ Layer of searchable text behind image
- ▶ Searchable
- ▶ Indispensable.



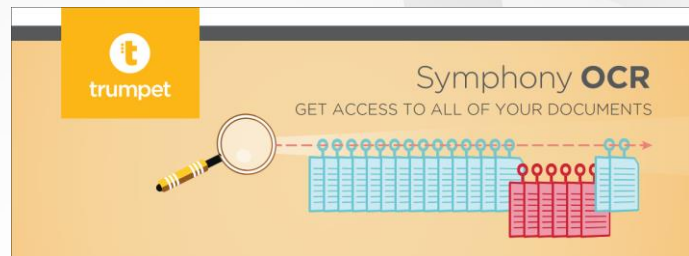
61

If You Have Thousands of PDFs To OCR

- ▶ DocsCorp contentCrawler



- ▶ Trumpet Symphony OCR

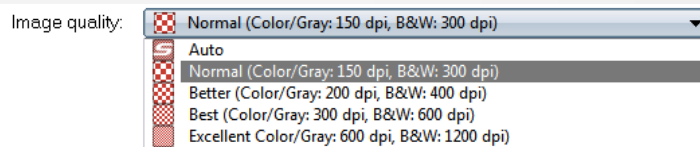


Affinity
CONSULTING

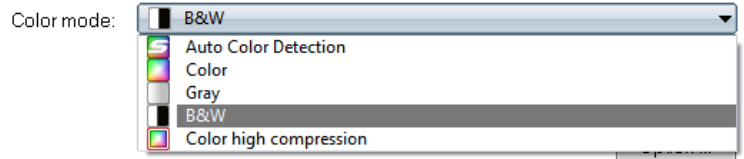
62

Scanner Settings

- ▶ **Dots Per Inch (DPI)**
 - ▶ Resolution
 - ▶ ↑ = Higher Quality
 - ▶ ↑ = Large Files



- ▶ **Color Mode**
 - ▶ Black & white
 - ▶ Grayscale
 - ▶ Color



Affinity
CONSULTING

63

Dots Per Inch

Sample 3 Page Scanned PDF x

Name	Size
B&W 300 dpi.pdf	195 KB
B&W 400 dpi.pdf	264 KB
B&W 600 dpi.pdf	398 KB
Color 150 dpi.pdf	796 KB
Color 200 dpi.pdf	1,201 KB
Color 300 dpi.pdf	2,039 KB
Color 600 dpi.pdf	5,029 KB
Gray Scale 150 dpi.pdf	784 KB
Gray Scale 200 dpi.pdf	1,167 KB
Gray Scale 300 dpi.pdf	1,909 KB
Gray Scale 600 dpi.pdf	4,485 KB



64



STEP 4:



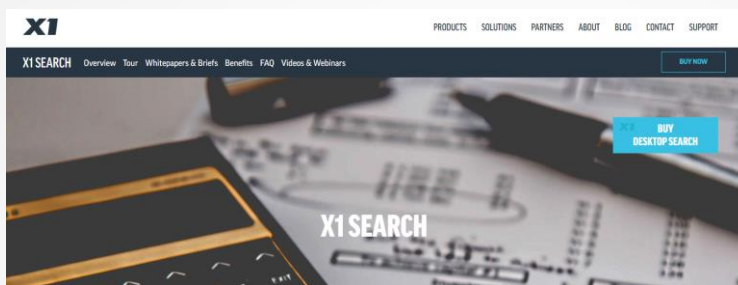
**Search Program
or
Document Management System**

65

65

Windows Search Software

- ▶ **Copernic Desktop Search Professional** - \$56/yr x
- ▶ **X1 Search** - \$67/yr
- ▶ **dtSearch** - \$199
- ▶ **Windows Vista/7/8/10 Instant Search**
- ▶ **Filehand**



66

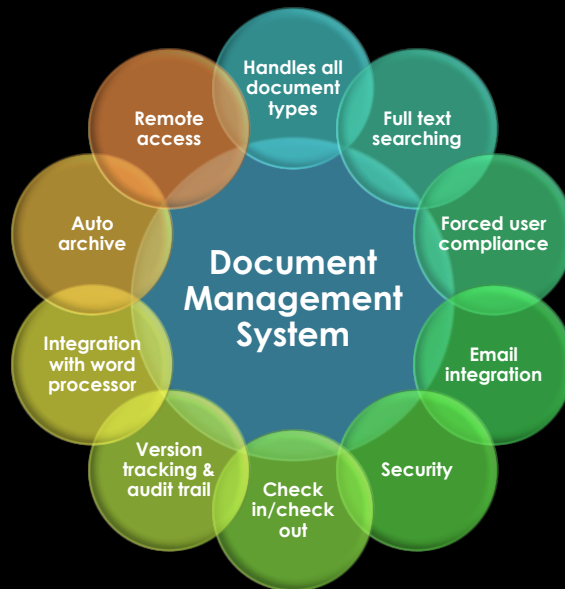
Mac Search Software

- ▶ **Spotlight Search (Mac OSX)**
- ▶ **EasyFind: Free**
- ▶ **HoudahSpot: \$30**



67

DMS Features



68

Players

- ▶ **Worldox GX**
- ▶ **iManage WorkSite**
- ▶ **NetDocuments**
- ▶ **OpenText**
- ▶ **LaserFiche**



69

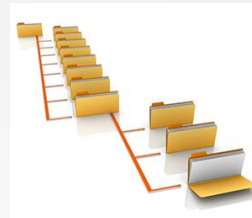
STEP 5: If No DMS



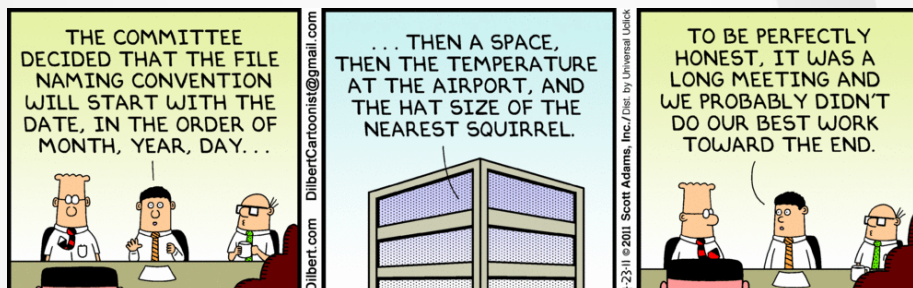
70

No DMS

- Consolidate folder structure



- Use consistent file naming convention



71

File Naming Conventions

► Not Recommended:

- wjcpc01.dep
- Joesmithltr.docx

► Recommended:

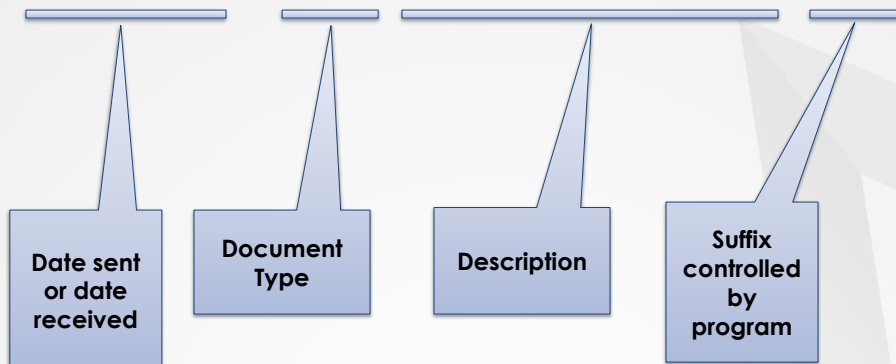
- 2004-10-30 - Jake Robbins Perjury Case Deposition 01.docx
- 2010-06-07 - Deed for 10011 184 St NW.docx



72

File Naming Conventions

2010-06-07 - Deed for 10011 184 St NW.docx



73

STEP 6: Digitize Everything



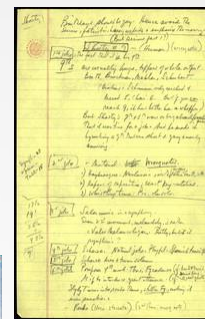
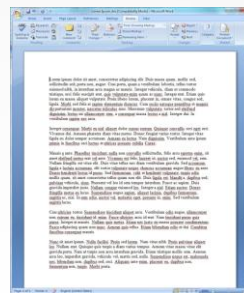
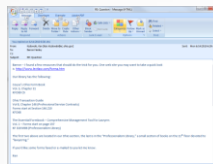
74

74

Electronic Filing System

Must hold:

- ▶ Documents created internally
- ▶ Documents received
- ▶ Email
- ▶ Email attachments
- ▶ Faxes
- ▶ Notes



75

Make your **active file digital**
(don't wait until it's over to scan)



76

Digitize Mail & Faxes

- ▶ **Consider Internet fax service**
 - ▶ www.ringcentral.com
 - ▶ www.myfax.com
 - ▶ www.efax.com
 - ▶ www.greenfax.com
 - ▶ www.onebox.com
 - ▶ www.faxzero.com
- ▶ **Don't scan *everything***
- ▶ **Distribute mail and let users scan**



77

STEP 7: Email Stored Outside Email Program

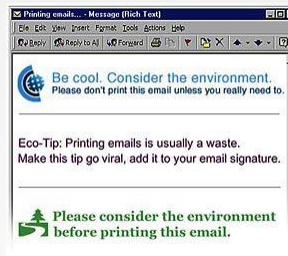


78

78

Store Email Outside of Email App

► STOP PRINTING email



► Save as MSG or PDF files – or store them in a document management system

79

► If you use



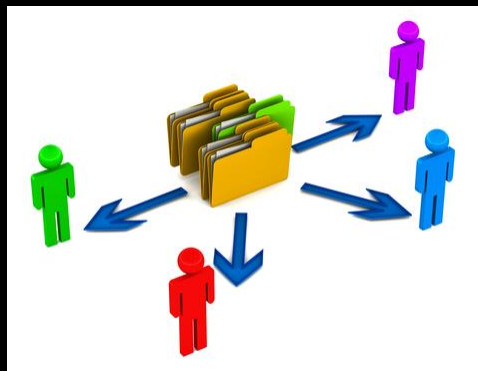
► Then you need one of these

- Adobe Acrobat
- Nuance Power PDF Advanced
- Foxit PhantomPDF Business
- Nitro Pro



80

STEP 8: Collaborative Tools



81

81

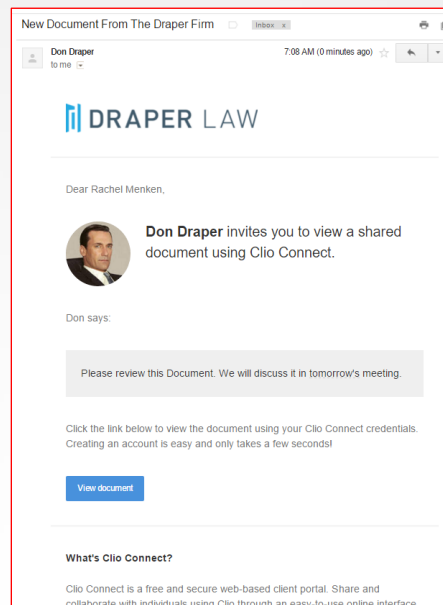
File Sharing Tools



82

Many Case Management Systems Have Portals

► For example Clio Connect



83

STEP 9: Write it Down & Get Trained



84

84

Training

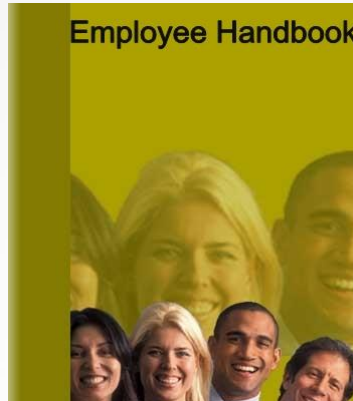
- ▶ Include all staff – even those who don't think they'll scan (they'll change their minds)
- ▶ Most important step
- ▶ Breaks down resistance



85

Develop Protocols

- ▶ Write down how you do it
- ▶ Should be part of your employee manual



86

Now that you have an **electronic filing system**,

RELY ON IT!



87

Incredibly Inexpensive Storage

- ▶ **1 page of a PDF document** = roughly 30 kilobytes
- ▶ **1 gigabyte** = 1,073,741,824 bytes or 35,791 pages of text
- ▶ **1 bankers box** holds about 2,500 pages
- ▶ **1 gigabyte can store** 14.3 banker's boxes of documents (so let's round down to 14)
- ▶ **3 TB USB external hard drive** = \$90
- ▶ **Therefore, a single drive could hold 42,000 bankers boxes of documents at a cost of \$0.0021 per box.**



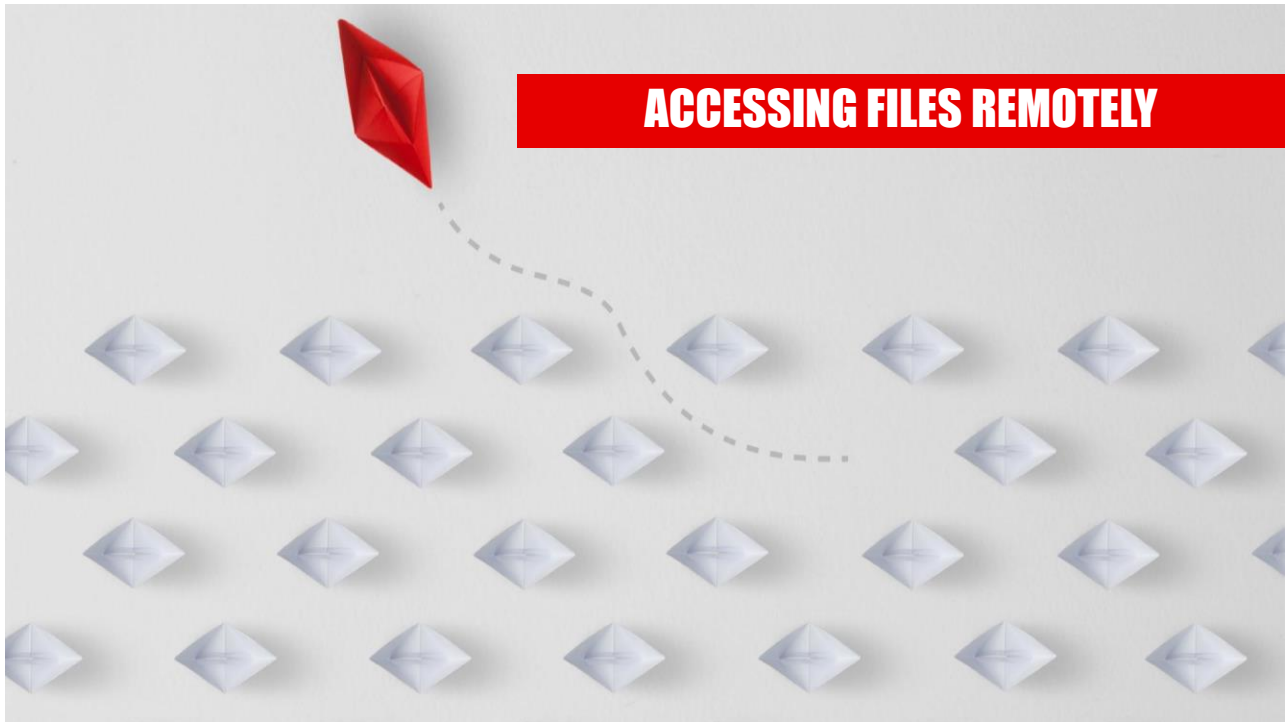
88

Problems Solved

- ▶ **Remote access**
- ▶ **Electronic files always in the same place**
- ▶ **Lower operating costs**
- ▶ **Electronic files are easily searchable**
- ▶ **Easy to share & collaborate**
- ▶ **Easily transportable**
- ▶ **Instant data access**
- ▶ **Easy updating**
- ▶ **No storage costs.**



89



90

3 Basic Approaches

- ▶ Sync files to laptop



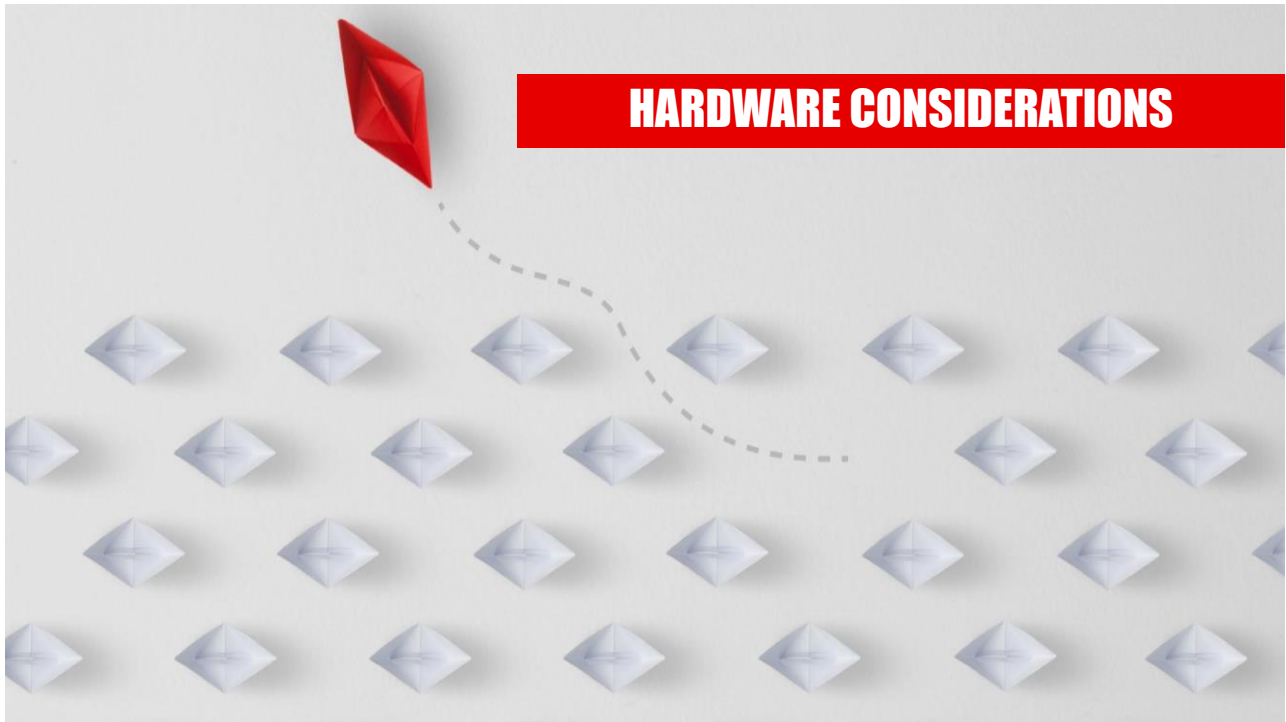
- ▶ Cloud sharing or access



- ▶ Connect to office server or PC



91



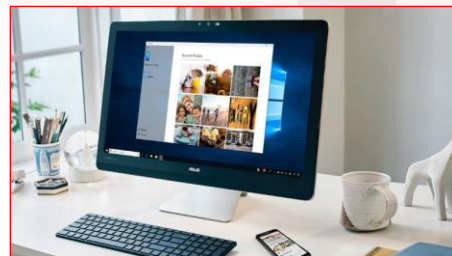
92

Two Basic Options

- ▶ **PC you can take with you**



- ▶ **Home PC used to remotely access office systems**
(these must be secure from family members)



93

You Want An **Ultrabook** Configuration

- ▶ Resume from hibernation < 3 seconds
- ▶ Battery life > 6 hours of video
- ▶ USB 3.0, USB-C or Thunderbolt ports
- ▶ < 0.83" thick
- ▶ < 3 lbs.
- ▶ Powerful
- ▶ **Touch**
- ▶ Antivirus
- ▶ Anti-theft
- ▶ Hardware security

For example:
Dell XPS 13 in Frost White



94

2 in 1 Convertible

Hybrid tablet/laptop



95

Tablet



96

Laptop + Dock + Monitors + Keyboard/Mouse



97

You Can't Assume Everyone Has A Home PC

- ▶ If everyone in your office has a desktop, they may not be able to work at home
- ▶ This is not very portable!
- ▶ **Might be time to consider laptops for everyone**



CONSULTING

98

Laptop Configuration Recommendation

- ▶ 13.3", 14" or 15.6" touch screen – smaller = lighter laptop
- ▶ 16 GB of RAM (32 OK, 8 not OK)
- ▶ 500 GB or 1,000 GB (1 TB) solid state hard drive
- ▶ Backlit keyboard
- ▶ Biometric/fingerprint reader built in
- ▶ Windows 10 Pro (not Home) or Mac OSX
- ▶ 3 year, next business day, on-site warranty + accidental damage protection
- ▶ Intel i5 or i7 processor – 8th, 9th, or 10th gen



99

Deciphering Intel Processors

- ▶ i3 – i5 – i7 – i9: speed/power increments
- ▶ **Generation: current is 10th – how to tell**
 - ▶ Intel Core i7-10710U – 10th gen
 - ▶ Intel Core i7-9750H – 9th gen
- ▶ **Power Consumption:**
 - ▶ Intel Core i7-9750H – High performance graphics, uses more juice
 - ▶ Intel Core i7-10710U – Ultra low power consumption (most are here)
 - ▶ Intel Core i7-10310Y – Extremely low power consumption (uncommon)
- ▶ **For a full explanation, see <https://intel.ly/2JgoHoQ>**



100

Keyboard/Mouse Combo for Dock

External keyboard/mouse combo MK550 or MK710



- | | |
|--------------------------|-----------------------------|
| 1. Customizable keys | 4. Extended life battery* |
| 2. Comfort wave keyframe | 5. Ambidextrous laser mouse |
| 3. Cushioned palm rest | 6. USB Receiver included |

* May vary based on user and computing conditions.



101

Best Travel Mice

- ▶ **Logitech MX Master - \$60**



- ▶ **Logitech Anywhere Mouse MX - \$35**



102

On Premises File Servers

Got one of these in your office?



- ▶ **Question whether you not it**
- ▶ **They're very expensive to maintain**
- ▶ **Remote access is typically poor**



103

It's 2020 – Do You Still Need A Server?

► The benefits of a server:

Can you get all of those things
without a server?

Yes

**So don't get scared into buying one
by an IT company – get a second
opinion**

- Centralized file storage
- Centralized database storage
- Reliability
- Security
- Remote access
- Centralized backup
- High performance



104

Unless you're doing pretty basic stuff,
an iPad probably won't cut it



However, the tradeoff between a 2-in-1
PC and a tablet is negligible



105

Portable Printers

- ▶ **HP OfficeJet 200**
- ▶ **HP OfficeJet 250 All-in-One (print, copy, scan)**
- ▶ **Canon Pixma iP110v**



106

Portable Scanners

- ▶ **Fujitsu ScanSnap S1300i**



- ▶ **Fujitsu ScanSnap iX100**



107

Multifunction versus separate scanner & printer



v.



Less money versus longer life & better performance



108

Portable Postage & Label Printer

DYMO Label Printer & Digital Scale - \$218

DYMO 450 Twin Turbo (no scale) - \$135



109

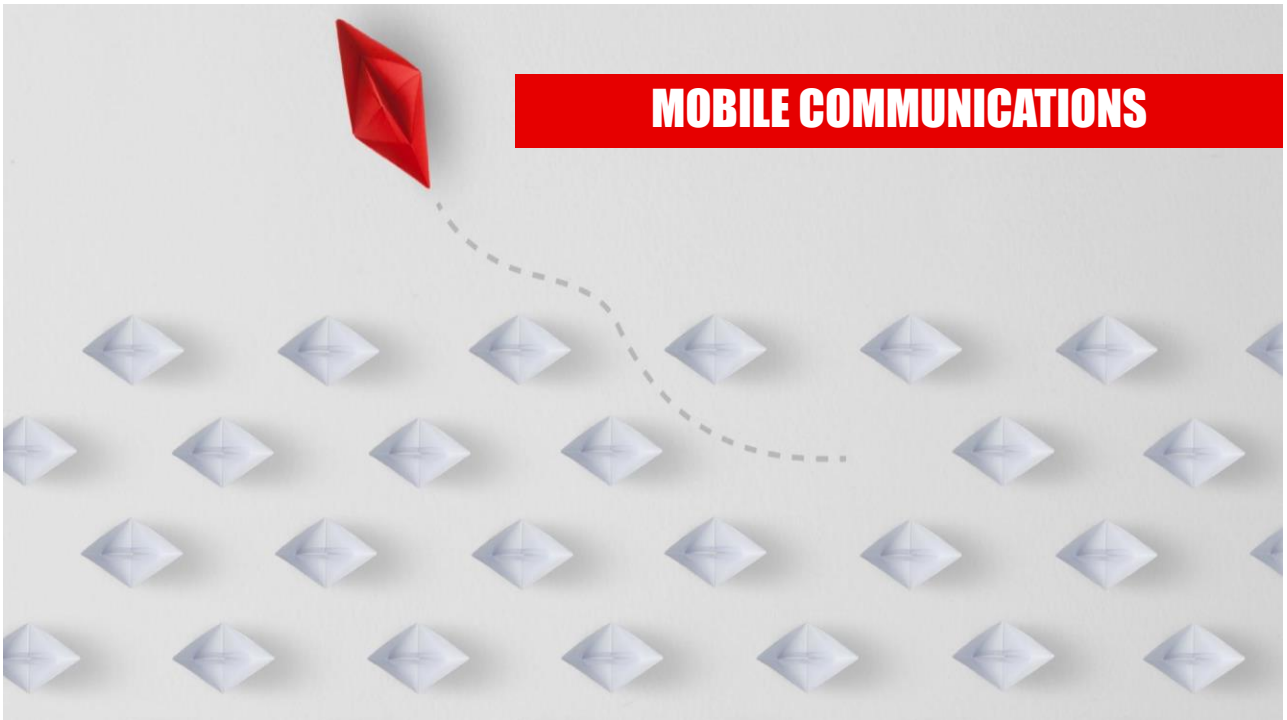
Portable Optical Drive/DVD

- ▶ Smaller & lighter = no drive
- ▶ External USB DVD player/recorder external drive = \$30



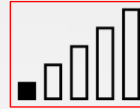
110

MOBILE COMMUNICATIONS



111

- ▶ Cell phones aren't the best option



- ▶ **Hosted** Voice Over Internet Protocol (**VoIP**) is a GREAT option

Laptop

+

(office)
Plantronics
Savi Office W730

+

(mobile)
Plantronics
Voyager-5200



Affinity
CONSULTING

112

You Must Have A Web Meeting Service

- ▶ GoToMeeting

GoToMeeting®

- ▶ WebEx MeetMeNow

webex
meetmenow

- ▶ Adobe Connect

 Adobe Connect

- ▶ Microsoft Teams

 Microsoft Teams

- ▶ Join.Me

join
me

- ▶ Zoom

zoom

<https://www.affinityconsulting.com/comparewebmeetings/>

Affinity
CONSULTING

113

Better Webcams & Portable Video Conferencing

- ▶ **Better Webcams** (super high demand right now so prices are high)
 - ▶ Logitech C920 HD – list price \$80
 - ▶ **Logitech C930e** – list price \$130
 - ▶ Logitech Brio Ultra Pro – list price \$199



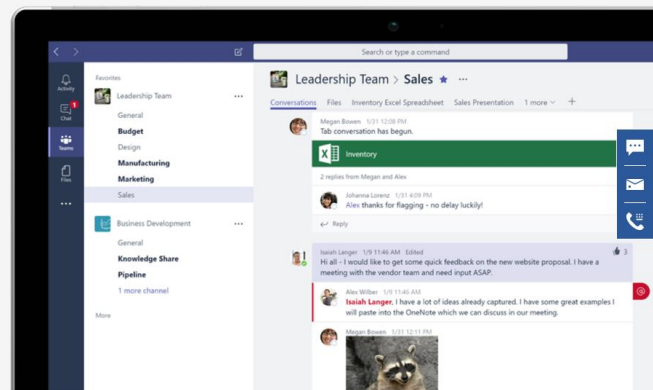
- ▶ **Complete portable video conferencing system – Logitech Group Video Conference bundle – list \$1,300**



114

Instant Messaging Can Be Very Important

Instant messaging with Microsoft Teams

[Sign in](#)
[Sign up for free](#)


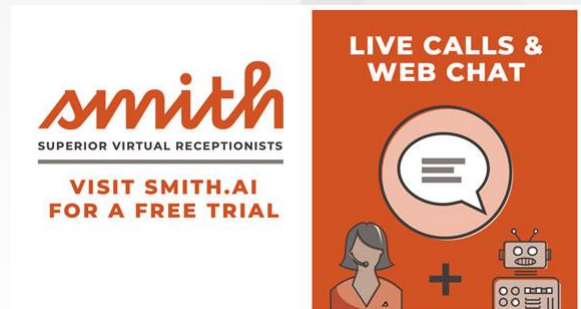
Keep the team connected no matter where work takes you with Microsoft Teams



115

Professional Answering Service

To find options, web search the phrase **virtual receptionist**

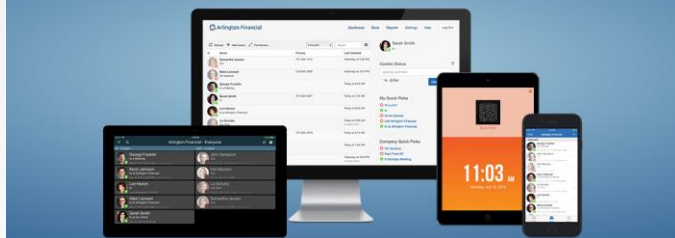


116

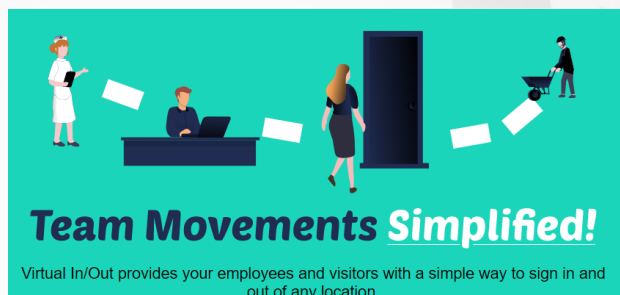
Virtual In/Out Boards

► www.simpleinout.com

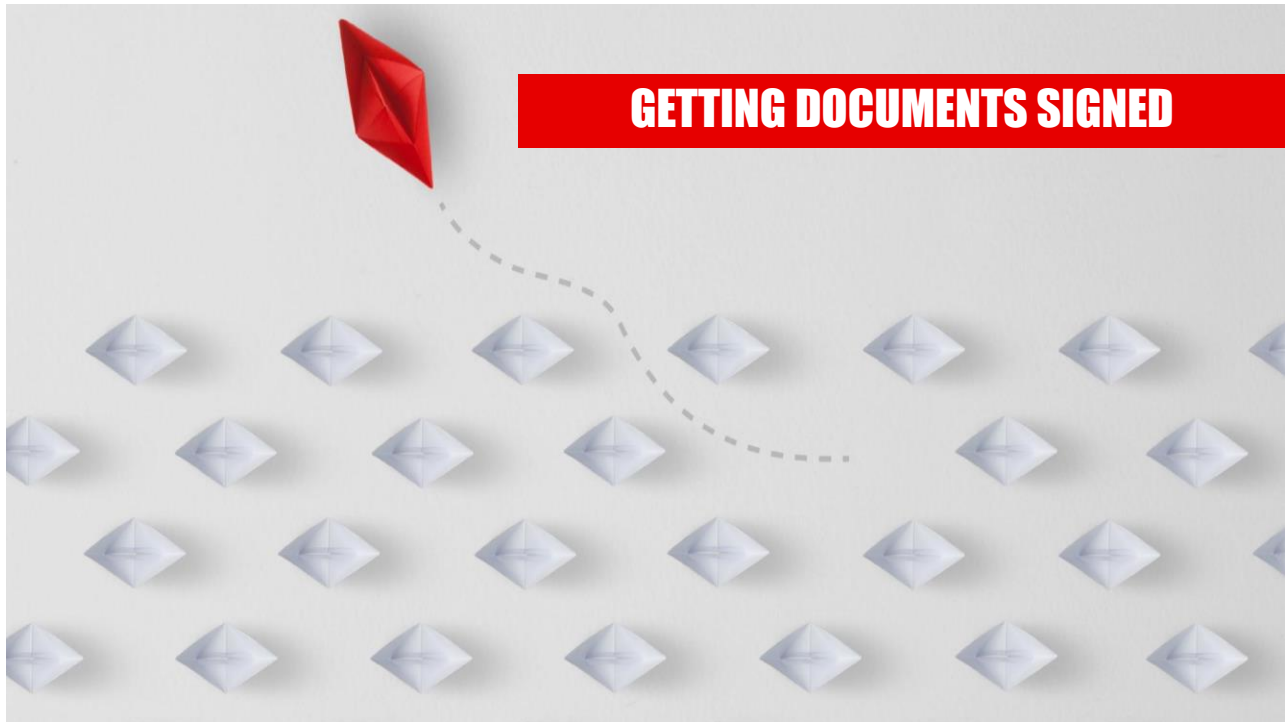
Want to save time, organize employees, and always be in the know?



► www.virtualinout.com



117



118

Electronic and Remote Notarization

Michigan.gov

SOS HOME CONTACT THE SECRETARY OF STATE FAQs ONLINE SERVICES SEARCH

The Office of

Secretary of State Jocelyn Benson

ELECTIONS

DRIVER'S LICENSE AND STATE ID

VEHICLES

BUSINESS SERVICES

ABOUT

SOS / ELECTIONS / OFFICE OF THE GREAT SEAL / NOTARY / DOCUMENT CERTIFICATION

ANNOUNCING APPROVED ELECTRONIC AND REMOTE NOTARIZATION VENDORS!

Michigan amended its notary law in 2018 to be in line with other states that have authorized electronic and remote notarizations. To do this, the Secretary of State was authorized with the assistance of the Department of Management and Budget to allow vendor systems to be used in Michigan to conduct electronic and remote notarizations.

As required, the Department of State is working to implement these new systems and is pleased to announce five (5) vendor system approvals. The approvals are effective immediately and Notaries can contract with their selected vendor, which will require a fee. Links to each vendor are provided below for you to begin your research should you choose to purchase any or all of these systems. Their use is optional and no action is needed on your part to continue performing traditional pen and paper notarizations. **(Please do not contact our office with questions concerning the systems capabilities, cost, training or other similar questions; all questions must be directed to the vendors themselves.)**

- E-Mortgage Law - Offers electronic notarizations services
- Nexsys - Offers both electronic and remote notarization services
- Pavaso - Offers both electronic and remote notarization services
- NotaryCam - Offers both electronic and remote notarization services
- Notarize - Offers electronic and remote notarization services

Because only approved vendor systems can be used in Michigan a Notary wishing to provide these services must use the vendors above. Use this [Guide](#) to help to understand the new options, how to update commission information and how the work of Notaries is affected.

Note: The Department of State does not provide access, training or dictate costs of these newly approved systems.

119

MI Executive Order No 2020-41

- ▶ Download the order here: <https://tinyurl.com/vbglkah>
- ▶ Encourages electronic signatures & relaxes compliance with:
 - ▶ Uniform Electronic Transactions Act (“UETA”)
 - ▶ Uniform Real Property Electronic Recording Act (“URPERA”)
 - ▶ Michigan Law on Notarial Acts, 2003 PA 238
- ▶ Explains process for any MI notary to render service using “two-way real-time audiovisual technology.”



120

Digital Signatures

- ▶ DocuSign: www.docusign.com
- ▶ RightSignature: (our favorite) www.rightsignature.com **x**

The screenshot shows the RightSignature website. On the left, a laptop displays a document with a signature line. On the right, a sign-up form is visible with the following fields and text:

RightSignature Features Pricing Learn

The easiest, fastest way to get e-signatures.

Get contracts, NDAs, and more signed much faster. Call us today at 800-441-3453 or fill out the form below to get started.

Canada (dropdown menu)

First Name (text input) Last Name (text input)

Email (text input)

Yes, I'd like to hear about offers and services from Citrix by email.
☐ Yes ☐ No

By submitting this form you agree to the [ShareFile](#) [Terms of Service](#) and [Privacy Policy](#).

Start My Free Trial



121

Digital Signatures

► **eSign:** www.adobe.com/esign



► **OneSpan:** www.esignlive.com

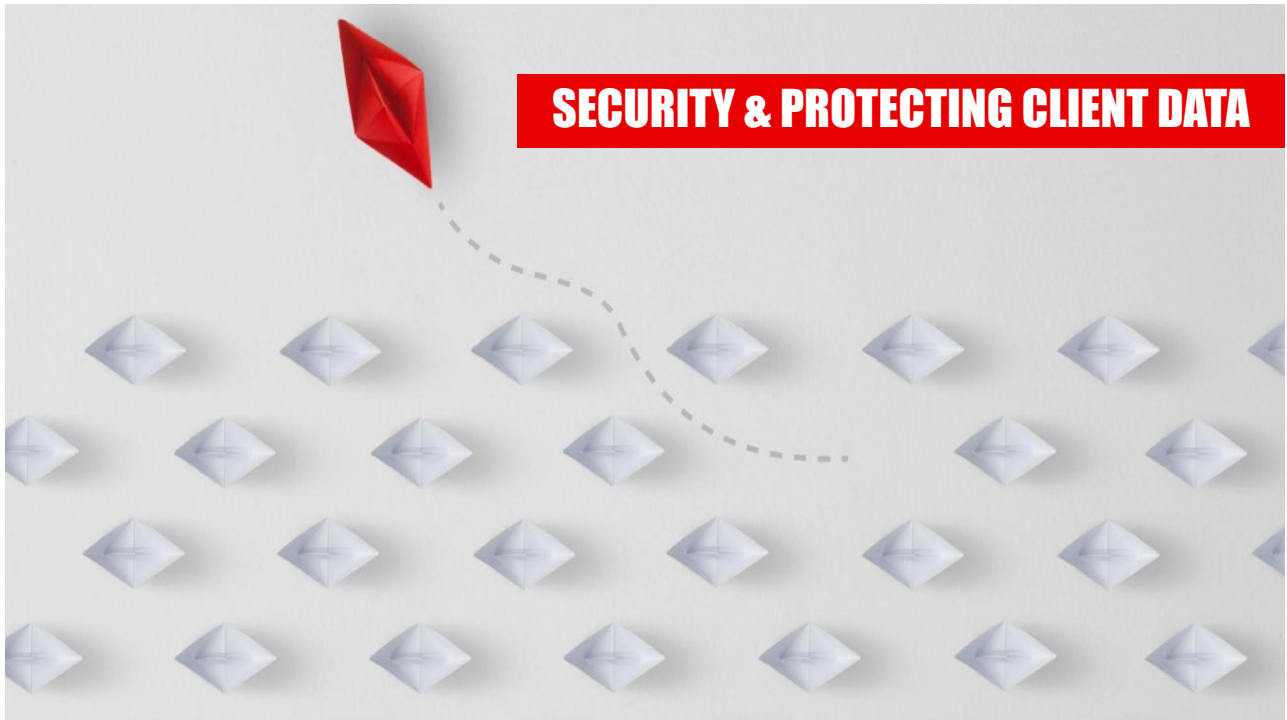


► **Hellosign:** www.hellosign.com



122

SECURITY & PROTECTING CLIENT DATA



123

Michigan Rule 1.6 Confidentiality of Information

[COMMENT added 1/1/2020]

When transmitting a communication that contains confidential and/or privileged information relating to the representation of a client, **the lawyer should take reasonable measures and act competently** so that the confidential and/or privileged client information will not be revealed to unintended third parties.



124

Your Security Portfolio

▶ Laptop, tablet & phone encryption

- ▶ Windows 10 Pro – Bitlocker
- ▶ Mac – FileVault



▶ Email encryption – for example gmail.com Mail

▶ Home router encryption – WPA2 or WPA3 (not ok to use WEP) & change your default admin password

▶ VPN service – for example NordVPN



125

You Need A Password Manager

- ▶ Part of **your estate plan** – makes it sharable
- ▶ **Way too many** passwords and logons to keep track of
- ▶ They generate **strong passwords**
- ▶ **You're using the same password** for many logons
- ▶ Holds credit cards
- ▶ Holds any kind of personal info



126

Options

- ▶ Dashlane
- ▶ LastPass
- ▶ Sticky Password
- ▶ LogMeOnce
- ▶ 1Password
- ▶ TrueKey
- ▶ RoboForm
- ▶ Keeper Desktop



127

Encrypted Flash Drives

- ▶ Kingston DataTraveler 4000



- ▶ Aegis Secure Key



- ▶ CMS Secure Vault FIPS



128

Encrypted External Drives

- ▶ Lenovo ThinkPad USB 3.0 Secure Hard Drive



- ▶ Aegis Padlock



- ▶ iStorage 3 TB encrypted hard drive

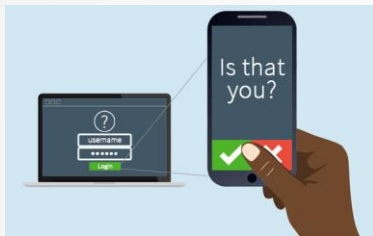


129

Enable Two Factor Authentication (2FA)

Requires **2 authentication factors** to verify identity

- ▶ **Knowledge** factors – something you know
- ▶ **Possession** factors – ID card, security token or smartphone
- ▶ **Inherence** factors - biometrics



130

Required Policies

- ▶ **Internet use**
- ▶ **Social media**
- ▶ **Document retention**
- ▶ **Secure password** – 12 characters, mixed case, at least 1 number & 1 symbol
- ▶ **Disaster recovery plan**
- ▶ **Mobile security**



131

If Using Home Devices

- ▶ Make sure antivirus up to date
- ▶ Operating system updates have been installed
- ▶ Other family members should not have access
- ▶ Make sure WiFi is secure



132

Mobile Backup For Your Laptop

- ▶ Carbonite 
- ▶ iBackup 
- ▶ CrashPlan 
- ▶ SOS Online Backup 
- ▶ iDrive 
- ▶ BackBlaze 



133

Backup on a Budget

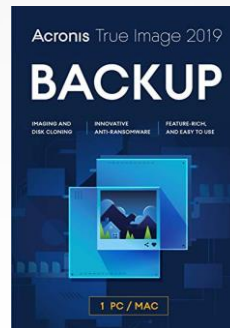
- ▶ **Carbonite Personal Plus**
\$72/PC/yr – unlimited storage

CARBONITE 

- ▶ **WD 3TB My Book Desktop External Hard Drive - \$89**



- ▶ **Acronis True Image 2020 - \$35**



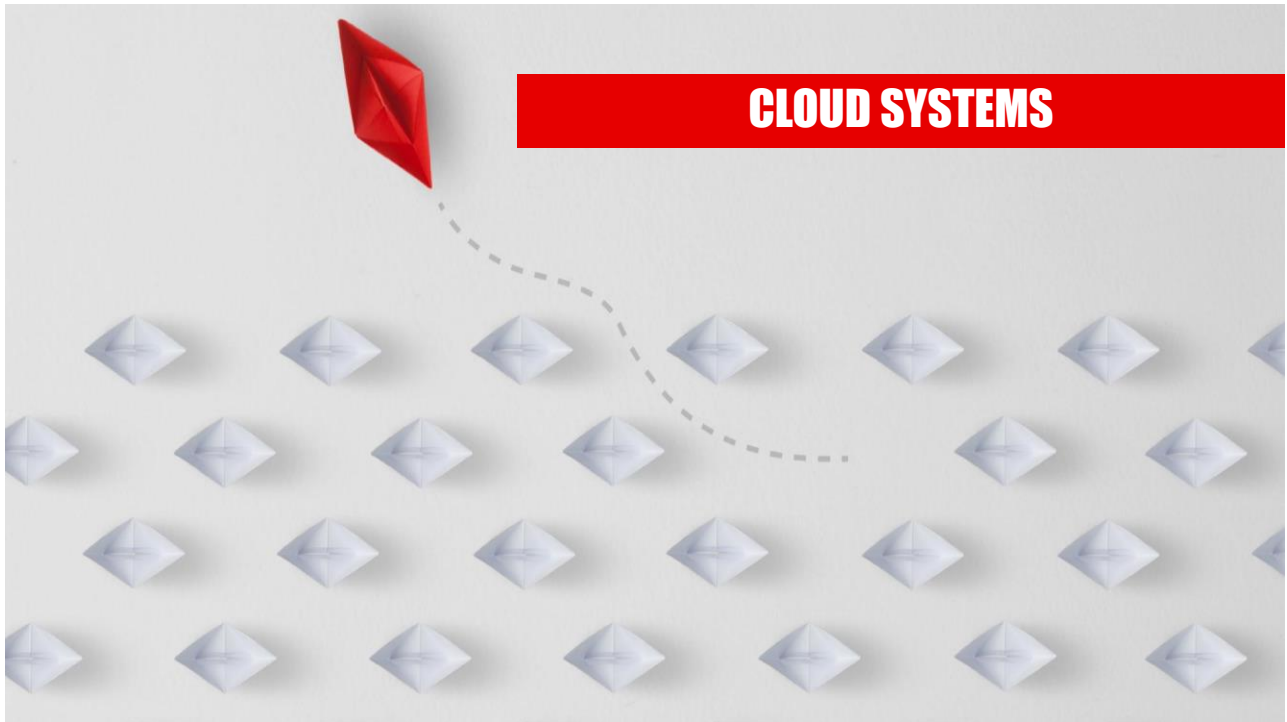
134

Security & Accessories

3M Computer Privacy Screens



135



136

If You've Resisted, It's Time To Embrace The Cloud



137

If You've Resisted, It's Time To Embrace The Cloud

Software as a Service (SaaS)



netdocuments[®]

**Infrastructure as a Service (IaaS)
aka "hosted servers"**

PROCIRRUS[™]
cloud technologies



138

Cloud Examples

- ▶ Email
- ▶ Dropbox/Box/OneDrive/Google Drive
- ▶ ShareFile
- ▶ QuickBooks Online or Xero
- ▶ Web-based case management
- ▶ Web-based accounting
- ▶ Office 365 or G Suite
- ▶ Carbonite or Mozy online backup
- ▶ Hosted servers
- ▶ Electronic case filing



139

And the point is:

You can't avoid



140

Consider Cloud Case Management & Accounting



141

Case Management Software

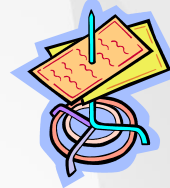
It takes your calendar, your task list,
and your contact list...



142

Case Management Software

...adds other critical practice information like...



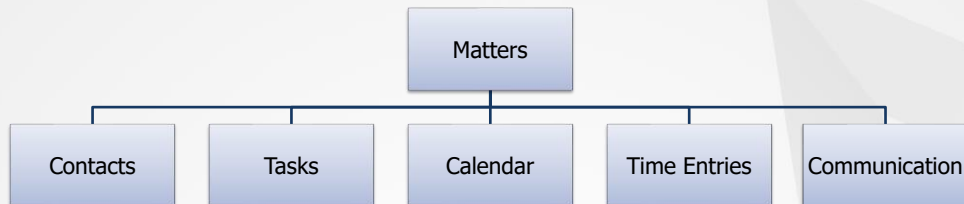
Communication and Time Entries



143

Case Management Software

... and organizes it all by matter

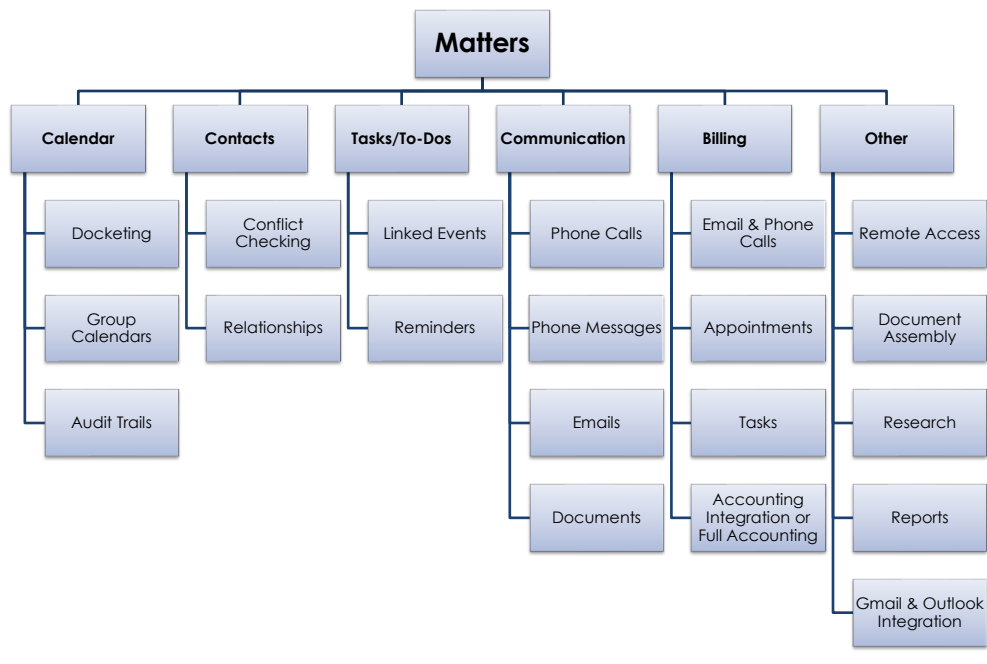


It works the way you work, it thinks the way you think.

Then, it brings in many other elements to help manage your practice...



144



145

Protect Your Firm

If a **lawyer leaves**, can you...

- ▶ Produce his/her case list?
- ▶ Re-create a case history?
- ▶ Find all email related to a case?
- ▶ Find all documents related to a case?
- ▶ Determine status of a case?

If not, you have a problem



146

Protect Your Firm

If **something happens to you**, can others...

- ▶ Produce your case list?
- ▶ Re-create a case history?
- ▶ Find all email related to a case?
- ▶ Find all documents related to a case?
- ▶ Determine status of a case?

If not, you have a problem

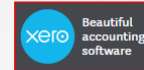


147

Cloud Accounting Only Options

- ▶ QuickBooks Online
- ▶ Xero
- ▶ Bill4Time
- ▶ Legal Billing
- ▶ Toggl
- ▶ FreshBooks
- ▶ Timesolv Legal
- ▶ Case management options

Intuit QuickBooks Online



BILL4TIME
Web-Based Time Billing Software

Legal Billing from Chaos Software



TimeSolv Legal



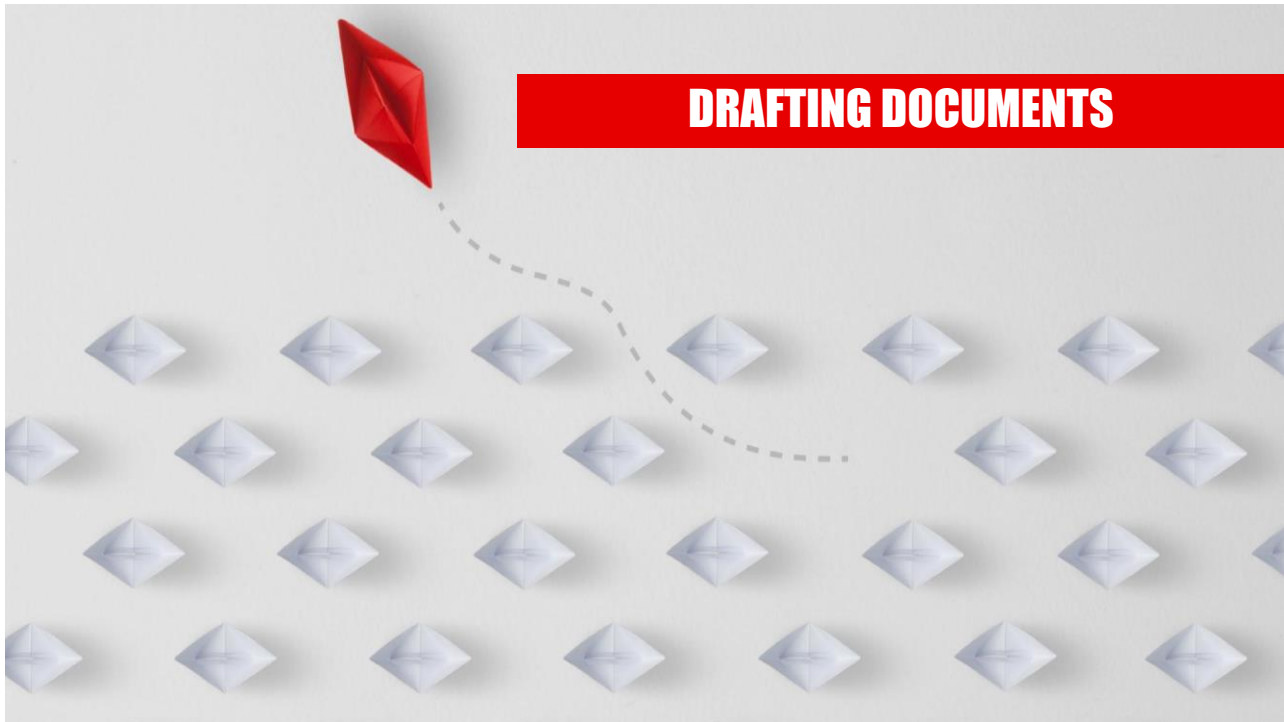
148

If You Have Office 365, Then Use More Of It

Bookings Online appointment scheduling fo...	Calendar Schedule and share meeting and e...	Delve Get personal insights and relevant...	Dynamics 365 Break down the silos between you...	Excel Discover and connect to data, mo...
Forms Create surveys, quizzes, and polls ...	Kaizala A simple and secure mobile chat a...	MyAnalytics Create better work habits with insi...	OneDrive Store, access, and share your files i...	OneNote Capture and organize your notes a...
Outlook Business-class email through a ric...	People Organize your contact info for all ...	Planner Create plans, organize and assign ...	Power Apps Build mobile and web apps with th...	Power Automate Create workflows between your ap...
Power BI Create actionable, dynamic, and e...	PowerPoint Design professional presentations.	SharePoint Share and manage content, knowl...	Stream Share videos of classes, meetings, ...	Sway Create and share interactive repor...
Tasks Create and manage tasks in Outlo...	Teams The customizable, chat-based tea...	To Do Manage, prioritize, and complete t...	Video Share videos of classes, meetings, ...	Whiteboard Ideate and collaborate on a freeo...
Word Bring out your best writing.	Yammer Connect with coworkers and class...			

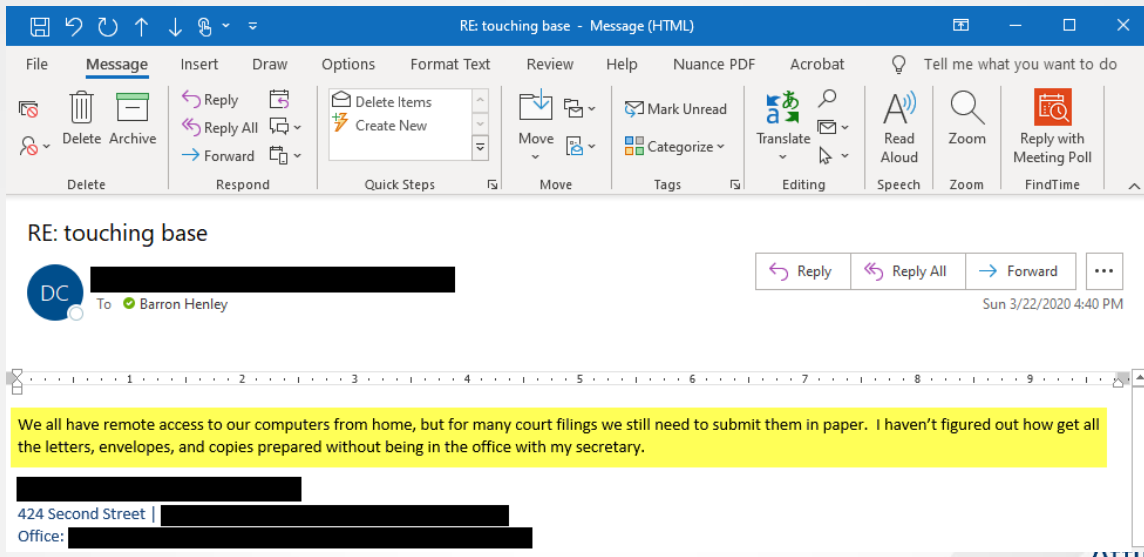


149



150

Try To Be Self Reliant With Drafting



151

Templates Are Critical

[MUTUAL] CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Opening Commentary: If the agreement is one way, then we define the Discloser and Recipient in the opening paragraph. If the agreement is mutual, then we do not need to define or abbreviate our party names, because they will only be specified four times – in the opening, in the notice section, in the signature, and in the joinder.

This [mutual] confidentiality and non-disclosure agreement is dated [Month Day, Year,] and is between [_____, identify type of entity] [Delete if Mutual ("Discloser")], and [_____, identify type of entity] [Delete if Mutual ("Recipient")].

Background Commentary: The idea here is that if we have a mutual agreement, we are going to establish a setup where either party could be a discloser or a recipient depending on who discloses the information and who receives the information. If it is a one way agreement then we define discloser and recipient in the opening.

The parties wish to explore a business opportunity of mutual interest involving [describe what is going on: sale of business, product development, consulting arrangement, joint venture, etc.] ("Business Opportunity"). [USE THIS LANGUAGE FOR A ONE-WAY AGREEMENT: In connection with the Business Opportunity, Discloser may disclose to Recipient, and Recipient may have access to, certain information that Discloser desires Recipient to treat as confidential. Recipient agrees to the terms herein in order to induce Discloser to disclose the information.] [USE THIS LANGUAGE FOR A MUTUAL AGREEMENT: In connection with the Business Opportunity, each party may disclose to the other, and each party may have access to, certain information that the party disclosing ("Discloser") desires the receiving party ("Recipient") to treat as confidential. Each of the parties may be considered a Discloser in one instance and a Recipient in another instance, based upon which party is provided or obtaining information. The parties are entering into this agreement in order to induce one another to disclose confidential information to enable them to explore the Business Opportunity.]

X X



152

Word Processor Automation

CONFIDENTIAL RETIREMENT AGREEMENT AND GENERAL RELEASE

This confidential retirement agreement and general release is between the University of Higher Education and

University and [_____] to conclude their employer-employee relationship in an amicable manner and agree as follows:

1. Retirement date. Mr. [_____] voluntarily retires from his position as [_____] effective ("retirement date"). Mr. [_____] shall continue to perform his duties as a faculty member in good faith until [_____]. After his retirement date, neither party has any obligation to the other, except as described below.

2. Payment in exchange for promises. University shall provide the following compensation and benefits to Mr. [_____] (all of which may not otherwise be due to him) in exchange for his promises and subject to the conditions in this agreement.

3. No other payments due. Mr. [_____] confirms that no other payments are due and owing to him.

X



153

Document Assembly Software Could Save The Day

- ▶ Works with Microsoft Word
- ▶ You use **your** documents
- ▶ Answer questions
- ▶ Software does the heavy lifting



154

Document Assembly Software Options

Players:

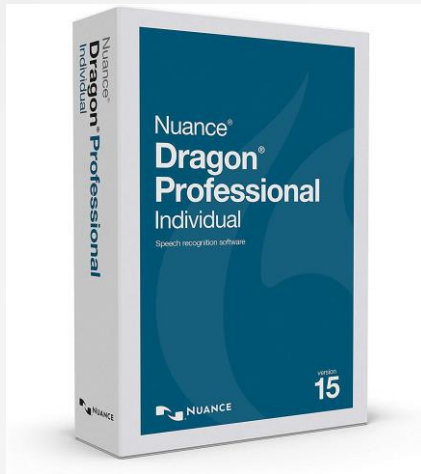
- ▶ **HotDocs** - www.hotdocs.com
- ▶ **Contract Express** - www.contractexpress.com
- ▶ **XpressDox** – www.xpressdox.com
- ▶ **TheFormTool** – www.theformtool.com
- ▶ **Rapidocs** - www.rapidocs.com
- ▶ **Pathagoras** - www.pathagoras.com
- ▶ **ActiveDocs** - www.activedocs.com
- ▶ **Smokeball** – www.smokeball.com



155

Amazing Speech Recognition

Dragon Professional Individual v15



Andrea 351924 Speech Recognition Mic



156

Dragon Anywhere



Dragon

Dragon Anywhere, available on Android and iOS

Dictate documents of any length, easily edit and adjust formatting and quickly share them on the most popular cloud-sharing services directly from your iOS or Android smartphone or tablet.
(Available in US and Canada)

1 week free trial

Cancel anytime. \$15/mo subscription begins at end of trial.

\$0

Get it now ▾

1 month

Billed every month.

\$14⁹⁹

Get it now ▾

12 months

Save 17%. Billed once a year.
Best value.

\$149⁹⁹

Get it now ▾

For groups

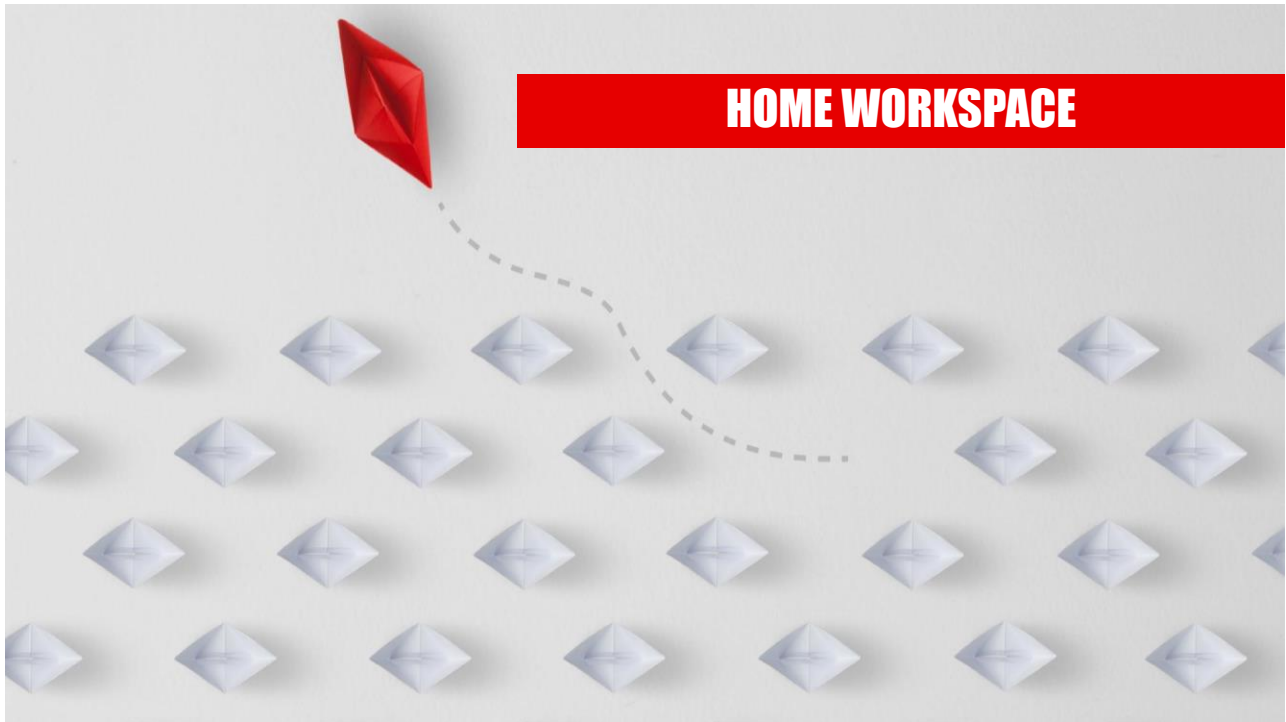
For workgroups or enterprise

Contact us

<http://tinyurl.com/jyculq6>



157



158

Short List

- ▶ Paper & electronic files must be secure
- ▶ It's worth getting another docking station, monitors, keyboard & mouse for home
- ▶ If you're used to dual/triple monitors at the office, you'll need them for home
- ▶ Might be time to upgrade your internet access at home



159



160