



# LEGAL TECHNOLOGY

*The newsletter of the Illinois State Bar Association's Standing Committee on Legal Technology*

## The history of your private identity

*By David Chapin and Adam Nelson*

In today's high tech world, we talk all the time about our individual privacy rights. We are damaged when our identity is stolen. But the question is: what is our identity? What exactly are we trying to protect? In this article, we will explore the definition of our identity by taking a historic perspective.

Private information (often called personal information or PI) usually has two different elements: an identifier such as your name or maybe

your Social Security Number, and some other piece of information, such as your birthdate. These two elements must be connected together in order for the information to be considered PI. Random names or random dates don't qualify.

Historically, if you were an important person, you would be recognized and your information would be trusted by people who recognize

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## Exploring personal cloud storage for attorneys

*By Michael Brennan*

The cloud, while often intimidating to attorneys, has become a hot topic for law firms looking to stay on the forefront of technology. Terms like *cloud storage*, *cloud computing*, and *Software as a Service (SaaS)* add confusion to the definition. But, generally speaking, *the cloud* refers to an interconnected network of servers, systems and hard drives that enable a user to store and access data from multiple devices and locations (For a comprehensive overview of working in the cloud, see Ed Finkle's article, "*Legal Technology: Feeling Secure in the Cloud*" in the January, 2015 issue of the Illinois Law Journal).

Numerous applications and programs exist that enable a user to access that data in specific ways and for specific purposes. For example, common practice management platforms, like My Case and Clio, are cloud based applications that enable an attorney or even an entire law firm to manage its entire presence on the cloud and without the need for owned physical servers.

Document storage platforms, like Dropbox and Spider Oak are highly popular cloud-based document storage platforms with which most attorneys are familiar. They enable lawyers to store

and share documents with clients or opposing counsel who can then view the documents anywhere with internet access- whether at the office or the local coffee shop.

A common thread amongst the vast majority of cloud applications and storage platforms is that the physical servers which actually house the data you have sent to and stored in the cloud are owned and managed by someone else. Whether it is Amazon Cloud Drive, Google Drive, iCloud, or something else, when you send data to the cloud it is being sent to servers owned and operated by a third party. For example, a lawyer that uploads a draft of a contract to his Dropbox account and shares it with a client is actually sending a copy of the file through Dropbox to a physical server owned and operated by a managed service provider. While now accessible by both the lawyer and the client wherever each has internet access, the file itself (or the copy of the file) does not simply fly around the ether like some intangible idea. It stays parked in a secure physical space on a physical server. That creates

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## The history of your private identity

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you. This “trust system” requires people who know you or can vouch for you. The problem is when you need this trust system to work over longer distances or in social circles of people who don’t know you, you need some other mechanism to prove who you are.

In ancient times, when there were only a few people who could read and write, your identity was your stamp. Typically this was a signet ring attached to you that you used to stamp your seal on official documents. But since you couldn’t read or write the documents, it had to be an elaborate picture. In ancient Egypt, they used scarabs with your personal cartouche. It would be instantly recognizable, even if you could not read. Thus, a document stamped by the cartouche of the Pharaoh had the force of law throughout the kingdom, even by people who never met the Pharaoh.

In more modern times, after the printing press when more people learned to read or write, personal signatures became our identifiers. It was soon recognized that each person’s signature was different, therefore a unique symbol of ourselves. But soon it became apparent that if you were a good forger, you might be able to “steal” someone’s ID by faking a signature. The legal community instituted a system of signature witnesses. So for important documents, multiple people had to sign it vouching that the original person was there and signed the document. This system still persists today in our legal documents. Wills have to have witnesses. We still need key legal documents notarized.

So how do we authenticate our identity? Throughout time, there have only been three different ways: (1) *What we have*. Examples include our signet ring or a key to a lock. Today it might be a passport or an ID card. The key vulnerability with this form of authentication is that it can be stolen.

(2) *What we know*. Today this is typically a password, challenge phrase or combination lock number. The problem with this type authentication is that it doesn’t work everywhere, might be forgotten, or it can be stolen through social engineering.

(3) *What we are*. This might be our photograph or image, our signature, our fingerprints, or our DNA. The problem is that this can change over time and can sometimes be stolen or forged. To help overcome the prob-

lems with any one of these three authentication methods, we often use “two-factor” or sometimes “three-factor” authentication. In other words, we combine them.

Prior to about 1920, your signature was usually good enough to authenticate you—a single factor authentication scheme. In 1920, the League of Nations created standards for visas and passports as a means for cross-border documentation. Passports were two-factor documents—with a signature and a photo. It was also stamped by officials as a witness. But it also served as a single-factor document because it was “what you have” with you as you cross the border.

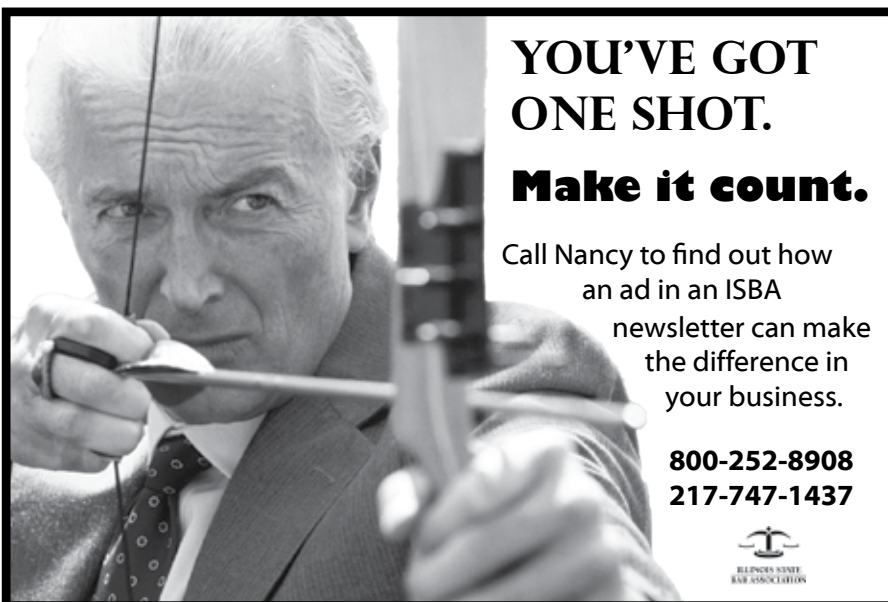
In 1935, the U.S. created the first national ID system in the world. It was the Social Security system, where it assigned a nine-digit number to all working Americans. Other than banks and bank accounts, this was the first ID system in the world where the person’s information was kept separate from the person’s identity document—the Social Security Card. The information connected to the ID was kept in government files separate from the ID card.

In 1928, the first modern credit cards appeared—metal charge-a-plates. At first they were just a convenience for merchants so they didn’t have to reenter your name in their ledger books if you bought something

on credit. Eventually by the mid-1930s, taking a cue from Social Security, they included a unique account number. For the first time (outside of banks) money transfers were connected to a private token and a unique number.

World War II changed our perspective on identities. Charge-a-plates went to war in 1941 in the form of GI dog tags. Nazis used passport documents as a sinister form of identification, singling out Jews for special treatment based upon their identity papers. It is because of Nazi misuse of personal information that the German government today has some of the world’s strictest privacy and data protection laws.

Since World War II and the advent of our digital personas, identity theft has become a major industry. This is because of a number of factors, such as lax security and widespread databases connected to your identity. But keep in mind that your digital identity is really only about two things: First, identity is about *validation* (authentication). How do we prove you are the correct person? Second, identity is about *trust*. Who do you trust using your personal information? In the absence of trust, we need to substitute security and compliance activities. That’s where laws and regulations are needed. ■




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## Exploring personal cloud storage for attorneys

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the potential for data breaches and, in turn, ethical breaches of client confidentiality. While the cloud offers tremendous advantages over traditional physical servers by way of accessibility, sending secure data to some unknown location can lead to unease for the attorney concerned (and rightfully so) about maintaining the confidentiality of his client's confidential information.

So, where is an attorney that wants the convenience of cloud storage but the security of onsite physical storage to turn?

Well, one option is to set up a private cloud server solution. Most attorneys are familiar with the concept of a Virtual Private Network (VPN). A VPN is a network that uses public infrastructure to establish a private network and enable authorized users to remotely access files and data. Various mechanisms are employed to add security to any exchanges occurring over the network. But, VPNs can carry a number of disadvantages from cost and complexity of setup to ease of use.

Luckily, a company called Transporter ([www.filetransporter.com](http://www.filetransporter.com)) is taking some of that complexity out of the equation and now offers an alternative to traditional private network infrastructure.

### About Transporter

Transporter is a private cloud solution that enables users to enjoy the same benefits of traditional cloud storage services like accessibility, sharing capability, collaboration and data backup, but it carries a significant benefit over its public counterparts. Transporter allows a law firm to keep sensitive data under its control. Instead of storing data and documents on remote third party controlled servers by using a public cloud storage platform, like Dropbox, a Transporter user can store data in a secure location, like his office, while retaining the ability to access those files from anywhere with internet access. Just like Dropbox, a user gains access to the Transporter using a unique set of login credentials.

While the largest of the Transporter devices resembles a small server, some of the smaller options are no larger than a computer speaker and can sit right on your desk.

For example, the two terabyte model (retail \$349) is only around six inches tall and four inches wide and has the capacity

to store roughly 170 million pages of documents—certainly more than enough storage space for any small firm. There are no annual fees, so firms that rely heavily on cloud storage as an integral part of their practices can realize substantial savings.

### How it Works

Unlike traditional cloud storage services, like Dropbox and Google Drive, which store your (and your clients') sensitive data on public servers, Transporter stores files locally where they are under your control. There are two options for storing files. The first option is the Transporter Library. Storing files to the Transporter Library is akin to storing files directly on an external hard drive. Users on the Transporter network can then access Library files directly from their own computer, tablet or other device. So, for firms with multiple users, Transporter ensures that every member of the firm is always working on the most recent version of a document by automatically syncing to one centralized location using the Library storage method.

The alternative to Transporter Library is Transporter Folder. Instead of being stored directly to the Transporter, files saved through the Folder method are kept on the user's computer and automatically synced with the Transporter. The added benefit to this method is that Transporter can effectively serve as a library backup for all important firm files. Additionally, the Folder method alleviates any risk that network downtime could lead to an inability to access files when needed.

### Conclusion

Law firms are continually wrestling with how to protect client confidentiality while improving efficiency and accessibility in an age of ever-increasing technological dependence. Solo and small firm attorneys lacking the resources of larger firms are forced to search for new ways to run their practices better and smarter. While cloud-based applications, and specifically cloud storage services, have provided realistic options for storing large amounts of data, the security risks involved in using such services can be substantial. For those firms increasingly worrying about those risks, personal cloud devices like Transporter may prove to be the answer. ■

## LEGAL TECHNOLOGY

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**GENERAL TOPICS**

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**Illinois Decisions on Search and Seizure: 2014 Edition**

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## In the cloud and encrypted: Simple solutions for small firms

By Todd H. Flaming

File storage for small firms in the past has been the F drive—a shared drive on a network server in an office. That worked well, but it required people to be in the office to access files and required the office to host a file server.

DropBox, and other cloud services like it, offer a solution. DropBox works like this: you subscribe, DropBox puts a folder on your hard drive called “DropBox”; you create subfolders, and you share them with other DropBox users. The folders you share act like shared hard drives, except they are in the cloud. You can, in effect, put an F drive in the cloud. Other services that offer cloud storage include Google Drive, Microsoft OneDrive, and SugarSync.

What does “in the cloud” mean? It means DropBox maintains the server and provides access over the Internet. You need not worry about how its maintained or stored or how to access it. DropBox handles all of that.

The problem is this: Although DropBox

encrypts the files on its server, DropBox had had at least one security incident in the past, and DropBox maintains a master key to the files.

Generally, that should not mean that DropBox is a bad thing. After all, the files are encrypted. And lawyers regularly use unsecured means of transmitting data, particularly e-mail.

But if you want more security, consider using an add-on product called BoxCryptor. It creates a virtual drive on your computer that allows you to encrypt your files locally before uploading them to the cloud.

You double-click on the BoxCryptor drive icon, then you see the DropBox icon and open and save files like you otherwise would. BoxCryptor uses your own personal encryption key to encrypt every file before the file is saved into DropBox and decrypt the file before you open it. Thus, when the file is uploaded to DropBox, it is already encrypted, and no one has the key.

This is important. If anyone ever hacks into DropBox and gets your files, all that hacker will get is encrypted gibberish. That’s true even if the hacker breaks DropBox’s encryption.

Sure, the hacker could then work hard to break your second level of encryption for a file, but that encryption is pretty good: it uses the AES-256 and RSA encryption algorithms.

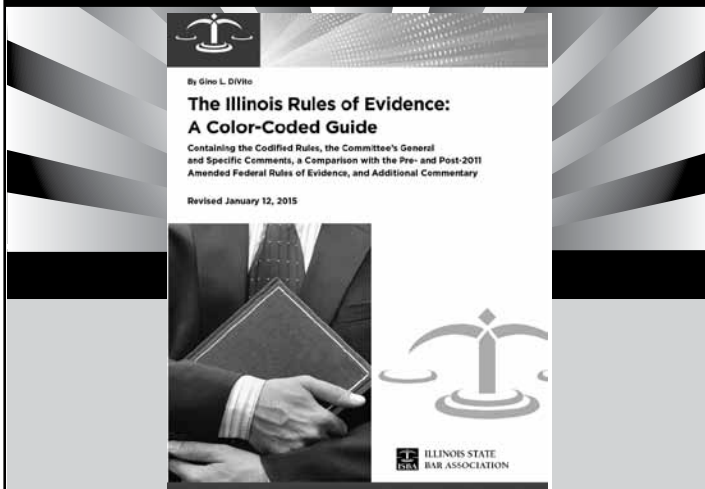
It also has the option of allowing multiple users to share a folder. It allows lawyers in different places in the country to work together.

You can check it out at <<http://www.boxcryptor.com>>.

There are some downsides. First, it is a little hard to figure out at first. Second, the customer service is slow. The company is in Germany, and they work by email. Responses can take a day or two. Third, if you lose your password, there is no way to recover them.

But otherwise it is a pretty straightforward solution to the problem of wanting to use the cloud but wanting security. ■

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Illinois has a history of  
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## Survey

Please take a few minutes to fill out this short survey about your practice. Your responses will help us explore useful topics for CLE programs or newsletter articles. Thank you for your time. You can also complete the survey at <https://www.surveymonkey.com/s/isbacolt15>.

**For the following questions, choose one: (a) Have no problems (b) I can figure it out myself (c) Can use some help**

- (1) Your comfort level with word processing including using Microsoft Word. \_\_\_\_\_
- (2) Your comfort level with spreadsheets including using Excel. \_\_\_\_\_
- (3) Your comfort level with presentation templates including PowerPoint. \_\_\_\_\_
- (4) Your comfort level with networking your office computers and printers. \_\_\_\_\_
- (5) Your comfort level with converting documents by using Adobe Acrobat. \_\_\_\_\_
- (6) Your comfort level with attaching files including for emails or electronic drop boxes. \_\_\_\_\_
- (7) Your comfort level with internet browsers and setting browser preferences. \_\_\_\_\_

**For the following questions, choose the one the best describes your practice: (a) Have no familiarity about the topic and/or someone else is addressing this (b) Have a reasonable process in place and/or would like to learn more; (c) Have this topic covered, more information is not necessary**

- (8) Management of document storage/retention. \_\_\_\_\_
- (9) Management of document back-up/archive. \_\_\_\_\_
- (10) Use of security software. \_\_\_\_\_
- (11) Encrypting documents. \_\_\_\_\_
- (12) E-signing documents. \_\_\_\_\_

**For the following questions, choose (a) Yes or (b) No, and provide a short response (if applicable)**

(13) Do you file electronically in Federal Courts? \_\_\_\_\_  
If not, why not? \_\_\_\_\_

(14) Do you use electronic demonstrable evidence? \_\_\_\_\_  
If not, why not? \_\_\_\_\_

(15) Do you take depositions from witnesses who are physically present? \_\_\_\_\_  
If not, why not? \_\_\_\_\_

**For the following questions, please provide a response:**

- (16) How do you deal with transmission of documents?  
(a) Email (b) Third party SaaS platform (c) Fax (d) Other: \_\_\_\_\_
- (17) List what other transmission methods would you be interested in learning more about?  
\_\_\_\_\_  
\_\_\_\_\_

(18) If you are using security software, please answer the following:

Is it automatically updated on a daily basis? \_\_\_\_\_

What software do you use: \_\_\_\_\_

Please check any others you in which you are interested in using.

- (a) Symantec Corporation
  - (b) McAfee
  - (c) CheckPoint Software Technologies
  - (d) EarthLink
  - (e) Other(s): \_\_\_\_\_
- (19) Other topics that you would like to learn more about:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### June

**6/1/15 – 6/5/15 – Non CLE Co-sponsored event (DNP)**—Settlement (Mediation) Week. Sponsored by the Illinois Chapter of the Association of Attorney Mediators, co-sponsored by the ISBA ADR Section.

**Tuesday, 6/2/15- Teleseminar**—Options in Real Estate Transactions- Buying Time to Decide & Wait and See. Presented by the ISBA. 12-1.

**Wednesday, 6/3/15, Live Webcast**—Hot Topics in Insurance Coverage – 2015. Presented by the ISBA Insurance Law Section. 9:00 – 11:15.

**Wednesday, 6/3/15 – Live Webcast**—Sexual Harassment Claims: Key Topics for Initial Client Interview. Presented by the ISBA Labor & Employment Section. 12:00 Noon – 1:30.

**Wednesday, 6/3/15 – Live Webcast**—Cameras in the Courtroom. Presented by the ISBA Standing Committee on Government Lawyers. 3:00 – 5:00 pm.

**Thursday, 6/4/15- Chicago, ISBA Chicago Regional Office**—Marty Latz Negotiation Program. Master Series presented by the ISBA. All Day.

**Thursday, 6/4/15- Live Webcast**—Marty Latz Negotiation Program. Master Series presented by the ISBA. All Day.

**Friday, 6/5/15 – Chicago, ISBA Regional Office**—6th Annual Animal Law Conference. Presented by the ISBA Standing Committee on Animal Law. All Day.

**Friday, 6/5/15 – Live Webcast**—6th Annual Animal Law Conference. Presented by the ISBA Standing Committee on Animal Law. All Day.

**Monday, 6/8/15- Teleseminar (live replay)**—Employees, Social Media, Smartphones, Tablets: Legal Issues for Employers. Presented by the ISBA. 12-1.

**Tuesday, 6/9/15- Teleseminar**—2015

Ethics in Litigation Update, Part 1. Presented by the ISBA. 12-1.

**Wednesday, 6/10/15- Teleseminar**—2015 Ethics in Litigation Update, Part 2. Presented by the ISBA. 12-1.

**Wednesday, 6/10/15 - Live Webinar**—The Lawyer's Pen as Mighty Client-Finder: Writing for Business Development. Presented by the ISBA Standing Committee on Law Office Management and Economics. Noon – 1:00 pm.

**Wednesday, 6/10/15- Live Webcast**—Service Animals: Rights Under the Fair Housing Act and in Employment. Presented by the ISBA Standing Committee for Disability Law. 9-10 am.

**Thursday, 6/11/15- Teleseminar**—2015 Estate Planning Update. Presented by the ISBA. 12-1.

**Thursday, 6/11/15 – Chicago, ISBA Regional Office**—Modern Wordprocessing, Document Assembly and Electronic Storage. Presented by the ISBA Standing Committee on Legal Technology. 1:00 – 5:15 pm.

**Thursday, 6/11/15 – Live Webcast**—Modern Wordprocessing, Document Assembly and Electronic Storage. Presented by the ISBA Standing Committee on Legal Technology. 1:00 – 5:15 pm.

**Friday, 6/12/15 - Chicago, ISBA Chicago Regional Office**—Injunctions, Declaratory Judgments, Receiverships and Other Equitable Proceedings; Identifying, Pleading and Proving Equitable Causes of Action Beyond Foreclosure. Presented by the ISBA Commercial Banking & Bankruptcy Section. All Day.

**Friday, 6/12/15 – Live Webcast**—Injunctions, Declaratory Judgments, Receiverships and Other Equitable Proceedings; Identifying, Pleading and Proving Equitable Causes of Action Beyond Foreclosure. Presented by the ISBA Commercial Banking & Bankruptcy Section. All Day.

**Monday, 6/15/15- Teleseminar (live replay)**—Estate Planning for Digital Assets.

Presented by the ISBA. 12-1.

**Tuesday, 6/16/15- Teleseminar**—Drafting LLC/Partnership Operating Agreements, Part 1. Presented by the ISBA. 12-1.

**Wednesday, 6/17/15- Teleseminar**—Drafting LLC/Partnership Operating Agreements, Part 2. Presented by the ISBA. 12-1.

**Friday, 6/19/15 – Lake Geneva, WI, Grand Geneva (during Annual Meeting)**—Legal Writing: Improve your Ultimate Work Product. Morning. Presented by the Illinois State Bar Association.

**Friday, 6/19/15 – Lake Geneva, WI, Grand Geneva (during Annual Meeting)**—Ethics and Professionalism through the Lens of Literature - 2015. Presented by the Illinois State Bar Association. Afternoon Sessions.

**Saturday, 6/20/15 – Lake Geneva, WI, Grand Geneva (during Annual Meeting)**—CLE Coordinator Training for New Coordinators (DNP – Invitation Only). 8:00 – 9:30.

**Monday, 6/22/15- Teleseminar (live replay)**—Ethics and Confidentiality: What Is, What Isn't, and What Can Be Shared? Presented by the ISBA. 12-1.

**Tuesday, 6/23/15- Teleseminar**—Estate Planning for the Elderly, Part 1. Presented by the ISBA. 12-1.

**Wednesday, 6/24/15- Teleseminar**—Estate Planning for the Elderly, Part 2. Presented by the ISBA. 12-1.

**Wednesday, 6/24/15 – Chicago, ISBA Chicago Regional Office**—Anatomy of a Building Code Violation Administrative Hearing: From Inspection to Judgment. Presented by the ISBA Administrative Law Section. 11:30 am- 1:15 pm.

**Wednesday, 6/24/15 – Chicago, ISBA Chicago Regional Office**—Welcome to the Jungle: LLC Members and Their Rights and Interests in Bankruptcy – A Primer for the Business Counselor. Presented by the ISBA Business & Securities Law Section. 2:00 – 4:30 pm. ■

# LEGAL TECHNOLOGY

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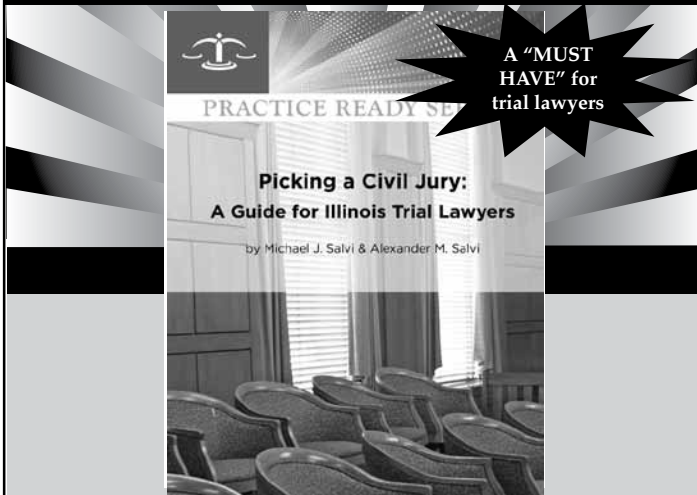
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