Law Firm Management in the Cloud

Leveling the Playing Field for Law Firms

A White Paper

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Executive Summary

In the last few years, there has been a plethora of articles and studies discussing the pros and cons of cloud-based computing. There have also been several different attempts to define cloud-based computing and at times, this results in confusion in the marketplace. Is this a rehash of the Application Service Providers (ASPs) we saw in the late 90s or is the new “Software as a Service (SaaS)” model completely different? And just what is “the cloud?”

In its most basic terms, “cloud-based computing” is a technology platform for software applications that are hosted on a computer system somewhere other than your office and is accessible anytime and from anywhere via the Internet using a standard web browser. Instead of making an initial hefty computer investment, like a traditional client-server system, cloud-based computing is typically charged on a per user per month subscription fee.

In the 80s and 90s, the birth of personal computer word processors, namely WordPerfect and later, Microsoft Word, helped to level the playing field for all size law firms. In the same sense, cloud-based computing can also help level the playing field of law firms of all sizes. While there has been an emphasis on the use of cloud-based systems in the small firm and niche marketplace over the past few years, we are beginning to see an evolution of cloud-based systems in the mid-size and larger firm markets. Several of these software companies see the benefits of using the cloud and now offer their applications for both traditional client-server systems and cloud-based systems.

It is not an all-or-nothing decision. In the 90s, we saw different companies providing integration among their products (“co-opetition” – cooperate with your competition) on the desktop and LAN platforms, meaning the time & billing system from one vendor could integrate with the case management system from another vendor. Now, we are seeing different companies providing integration among their cloud-based systems, though the integration still remains on the firm’s computer systems. For example, you can utilize a cloud-based hosted Exchange server that integrates with another hosted document management system which in turn can integrate with another hosted financial management system. All three systems are hosted on different platforms in the cloud by different hosts, but integrate with the firm’s in-house computer system(s).

Cloud-based systems help to reduce the overall technology costs in a law firm. Not only are they a less expensive initial up-front cost, but they may also reduce costs over time. A “Server Farm” is a common term heard in the technology industry and refers to a business that utilizes many servers to run its in-house computer applications. There may be multiple file & print servers, data base servers, application servers, document servers, remote access servers, and Internet servers, to name a few. Along with server farms, businesses often hire a “Server Farmer” to manage the many different servers. While there is no concrete definition for how many servers a firm installs before it needs to hire another server farmer, you can easily understand that the more servers the firm uses, more server farmers may be required.

One of the main problems with cloud-based computing has nothing at all to do with technology – it’s the perception of stepping outside your comfort zone. For years, we’ve been installing and using client-server based systems and we have grown comfortable with that environment – we can see it and we can touch it. Cloud-based computing by definition is not located in our offices and therefore we cannot see it nor can we touch it. But, the bottom line is that as the cost of maintaining existing technology continues to grow, it is worth your time to evaluate cloud-based computing technologies. This means you have to step outside your comfort zone and do a little more research, but you may find that it will be worth the extra effort.
Defining Cloud-based Computing in Layman’s Terms

There's been a lot of press the past few years regarding Cloud-based Computing. Is this the next best thing to sliced bread or just another media gamble on future technologies? Cloud-based computing can have several different definitions, depending upon what articles you read and what vendors tout, but most analysts agree that “it is a computing platform that is physically located somewhere other than your office, is accessible through the Internet using a secure connection, and is based on a per user per month subscription fee.” Other common terms used in the past include the Application Service Provider (ASP – introduced in the late 1990s) and Software as a Service (SaaS – introduced in 2001).

All of these terms bring us back to the model of centralized hosting of business applications, which dates back to the 1960s when IBM and other mainframe providers operated as a service bureau business, often referred to as time-sharing. Such services included offering computing power and database storage to banks and other large organizations from their worldwide data centers; the customer used what was commonly known as a “dumb terminal.” PCs did not emerge into the marketplace until the 1980s.

The explosive expansion of the Internet during the 1990s brought about a new class of centralized computing, called Application Service Providers (ASPs), which hosted and managed specialized software applications for businesses and industries, including the legal profession. The goal was to help reduce the overall technology costs through central administration and through the solution provider’s specialization in a particular business application.

ASPs didn’t make it back then – at least not the majority of them. There are several theories for this failure, but most analysts agree that the ASP was a platform introduced before its time. ASPs required high speed Internet connections which were almost cost prohibitive at the time (DSL and Cable Modems were just beginning to enter the marketplace). They also required newer computer technologies and if you recall back in the late 1990s, most businesses had recently made significant investments in updating their technologies to resolve the Y2K problem. With that much capital investment in new computer systems, there wasn’t a lot of initiative to move to a monthly subscription based model. However, that was a dozen years ago and those issues have long been resolved.

Software as a Service is essentially an extension of the idea of the ASP model. The term Software as a Service (SaaS), however, is commonly used in more specific settings:

- Many initial ASPs focused on managing and hosting third-party independent software vendors’ software; contemporary SaaS vendors typically develop and manage their own software.

- Many initial ASPs offered more traditional client-server applications, which required installation of software on users’ personal computers; contemporary SaaS solutions are predominantly web-based and only require a standard internet browser to use.

- The software architecture used by most initial ASPs mandated maintaining a separate instance of the application for each business; contemporary SaaS solutions normally utilize a “multi-tenant” architecture, in which the application is designed to serve multiple businesses and users, and partitions its data accordingly.
Exploring the Benefits of Cloud-based Computing

Reduced IT Costs
Most legal specific software follows a traditional client-server model: attorneys purchase software licenses and install it on their in-house computer servers. Users access the software through a local area network and data is stored on these computers. Updates are applied on the firm’s computers by in-house IT or outside consultants. Vendors often release a major upgrade which may be offered to the firm at a reduced cost or may be provided as part of the annual software maintenance cost. The client-server model puts total control in the hands of the firm. Data is stored internally and access is controlled by the firm – all residing within the technology walls of the law firm.

Software as a Service, or “Cloud-based computing,” differs from the traditional client-server model. Instead of installing the software on your firm’s in-house computer servers, the application is hosted on the cloud-based developer’s servers and accessed through the Internet using a standard web browser (e.g., Internet Explorer, Firefox, Chrome, or Apple Safari) over a secure Internet connection. Your firm’s data is stored on the cloud-based platform rather than in your firm’s office. Instead of paying an up-front cost, which in the client-server model may be a hefty investment, the firm pays a monthly per-user fee. The cloud-based model puts the data in the hands of a third party (the host). The law firm has access to the data, but it resides outside the technology walls of the law firm.

User-Friendly Interface
Most traditional client-server applications have been on the market for years and have gone through many revisions to meet the demanding needs of a growing list of law firm customers. There tends to be a wide range of software features, but sometimes at the cost of added complexity which may be overwhelming for new application users. On the other hand, most cloud-based applications have been built from the ground up using newer web-based technologies. As a result, they may have a more intuitive user interface, but may also have a more limited set of features and functions compared to the traditional client-server application. With the complexity of all those additional features and functions of a traditional client-server system (many of which a law firm may not ever use), is a simpler system really a disadvantage?

Continuous Uninterrupted Upgrades
Cloud-based applications reside on a host computer accessed by many different customers, so in many cloud-based systems, everyone uses the same software configuration, though there are several cloud-based applications which can be individually tailored to a law firm. By having the same software on the same host computer, upgrades and updates, both major and minor, are continuously done on the application by the cloud-based vendor – the law firm does not need to make any software changes on their in-house computers. Because of this multi-tenant platform, cloud-based developers can aggregate many customers on a shared infrastructure, effectively amortizing costs across thousands of customers and dramatically improving both effectiveness and efficiency.

Accessible Anywhere, Anytime
Another major benefit of using cloud-based applications is that they can be accessed from anywhere and anytime using a standard web browser. Thus an attorney who leaves the office and finds a need to review case facts or financial information does not need to return to the office. Instead the attorney can access the client and case information from home or a hotel through an Internet connection.
Myths Surrounding Cloud-based Computing

Myth: Nobody will actually use remote access
The whole idea of a cloud-based system is that lawyers and support staff can access the system from anywhere in the world at any time using a standard web browser and an Internet connection. The 2011 ABA Legal Technology Survey Report indicates that 71% of respondents reported personally using remote access software for law-related tasks. Use increases with firm size: 40% solo, 65% firms with 2-9 attorneys, 84% firms with 10-49 attorneys, and 95% firms with 100+ attorneys.

Similarly, the LexisNexis 2009-2010 Survey found that 54% of small law firms already provide access to e-mail and other software via terminal services or remote desktop software; 20% use a virtual private network (VPN); and 46% through Outlook Web Access. Interestingly, 38% of respondents reported that 80% to 100% of their lawyers and support staff access e-mails and work-related applications remotely. And 36% reported that they use remote access six hours or more per week. So yes, legal professionals do want and use remote access when they are away from the office.

Myth: One size fits all
Then there's the argument for the all-in-one, fully integrated, front office/back office law firm practice management system, that provides a case/matter management system (front office) and a time, billing, and accounting system or financial management system (back office), and a document management system. The LexisNexis 2009-2010 Survey reports that only 33% of small firm respondents felt it was important to integrate practice management tools through one provider. It would seem that two-thirds of the legal profession prefers “best of breed” applications as opposed to a single “one size fits all.”

One must also consider the possibility of using a “hybrid” cloud-based system, meaning that one application may reside in the cloud, but it may need to integrate with an in-house client-server based system. An example is the ability to integrate the firm’s internal Microsoft Office environment (Word and Outlook) with a cloud-based practice management system. Technically, this is not that difficult, but newer cloud-based systems may or may not have this capability built into their application.

Myth: The cloud won't protect confidential data
Client confidentiality and security are always at the top of lawyer concerns regarding any technology. "If my client data is stored off-site, how can I ensure that my confidential client data is secure?" By definition, a cloud-based system stores data off-site. Yet, according to the LexisNexis 2009-2010 Survey, 91% of small law firms already backup documents off-site; as well as case and matter data (82%); e-mail (72%); and billing/accounting data (76%).

Everyone uses e-mail and most lawyers send e-mail to clients without first encrypting it. According to the ILTA 2010 Technology Survey, only 10% of responding law firms use automatic encryption for e-mail. While lawyer e-mail is not a common target for hackers and thieves, plain-text e-mails without encryption can be read by anyone that can retrieve that message, similar to someone reading the back of a postcard.

When you access a cloud-based system through your Web browser, everything you type and view is transmitted over a SSL (Secure Socket Layer) protocol, which is Internet speak for encryption. SSL is an extremely powerful technology allowing for complete secure communications over public networks including public Wi-Fi connections.
This is the same technology that protects your credit card number when you click on the “checkout” button on Amazon.com or when you log into your bank account. You know you are using a SSL connection when you see a “padlock” and the “https://” in your web browser’s address bar.

Ask yourself what level of comfort of security do you need in order to use a cloud-based practice management system? Here are two key rules: 1) The data should be secure from the time it leaves your office (encryption) until the time it arrives on the cloud-based server, and 2) The data should be secure (encryption) on the cloud-based server and is in most cases.

Even though your confidential client information may reside on the same physical server hard drive as somebody else's data, it remains secure and confidential using a variety of security applications. Think of it this way — if companies such as Google, Amazon, eBay, and almost every bank under the sun can provide these security measures, then cloud-based computing should be safe and secure. However, as a precaution and to help ensure you meet your state’s ethics considerations, make sure you check the cloud-based company’s security methodologies.

**Myth: My office server is more secure**

In the traditional client-server environment, the file servers are physically located on the law firm premises. That also means that the confidential client data is also located physically within the law firm premises, meaning the law firm has complete control over that data and the servers. But how secure is that server room, really?

Best practices call for having the server room under lock and key with controlled access. It also calls for the server room to be on an isolated electronic circuit, have its own air and power conditioning environment, and backups, and so on and so forth. Many firms follow these best practices, but in many cases, the doors to the server room remain unlocked, even after hours, accessible by anyone who has a key to the office. Or, the firm’s backups are done periodically, but not checked to see if the backup was correctly done. There is a lot of responsibility on the firm’s part to ensure the office servers meet basic best practices.

On the other hand, data centers that host cloud-based computing applications fall into a significantly more stringent set of technology best practices. Data centers are typically rated Tier 1 through Tier 4, with Tier 4 being the most stringent. Because of the number of different clients these data centers host, they are required to meet these high standards. When evaluating cloud-based computing applications, it is equally important to also check the cloud-based application’s data center standards.

**Ethical Considerations**

In a typical cloud-based platform, the vendor takes advantage of the fact that a number of customers are using the same hardware and the same software. This means (you’ll need to check with the specific vendor) that your confidential client data may reside on the same hard drive as another business, not necessarily another law firm, and it may be located in another country.

In this age of electronic data, it is not uncommon for electronic evidence to be seized or demanded as part of litigation. You may not even be a party to the litigation, yet your data may get “sequestered” because it resides on the same computing equipment as the defendant. It is imperative that you be aware of these ethical issues.
As far as ethical considerations, the *North Carolina Proposed 2010 Formal Ethics Opinion 7: Subscribing to a Software as a Service While Fulfilling the Duties of Confidentiality and Preservation of Client Property*, provides an excellent list of questions that lawyers should ask potential SaaS providers including:

- Has the lawyer read the user or license agreement terms, including the security policy, and does s/he understand the meaning of the terms?
- Does the SaaS vendor’s Terms of Service or Service Level Agreement address confidentiality? If not, would the vendor be willing to sign a confidentiality agreement in keeping with the lawyer’s professional responsibilities?
- How does the SaaS vendor, or any third party data hosting company, safeguard the physical and electronic security and confidentiality of stored data?
- Where and how is the data physically stored?
- Has the lawyer requested copies of the SaaS vendor security audits?
The Real Costs of Cloud-based Computing

Law firm technology budgets are all over the spectrum, but most analysts agree that the average legal technology spend is between 3.5 and 6 percent of law firm gross revenue. Of course, this depends on the economy, the law firm’s business model, and the client’s ability to pay legal fees. It does, however, provide a simple rule-of-thumb for budgeting overall technology costs.

One of the more controversial issues comparing traditional client-server based systems with newer cloud-based systems is cost. Traditional legal software is usually sold by individual user licenses, meaning the law firm must pay up front for each person within the firm using the application. There may be other costs, too, such as database licenses, required hardware upgrades, and consulting or integrator time to install and configure the system. All of these are initial costs and are typically paid up front. Once the system is purchased, however, future software costs may be minimal if the firm maintains an annual support contract with the vendor.

The cost of a cloud-based application is based on a monthly per user subscription model. This means that the initial cost of a cloud-based system is only the first month’s subscription fee, which obviously will be much less than the traditional client-server model. However, with the lower monthly cost, cloud-based vendors usually require a multi-year contract. As discussed earlier, the technical requirements for a cloud-based application are minimal, so users will not need to purchase new hardware or additional software.

Most analysts and cloud-based developers draw a cost comparison between their monthly software costs for a specific number of users and a similar traditional client-server based system with the same number of users. To give this some clarity, you also need to compare these costs over a given period of time. When comparing costs between client-server systems and cloud-based systems, make sure to include the following costs for at least three-years:

- Software licenses
- Database licenses
- Hardware purchases/upgrades
- Consultants/Integrators
- IT staffing resources

As you can imagine, studies showing the Return on Investment for a cloud-based system versus a traditional client-server system are all over the board. But most analysts agree the reality is that the entry point is accessible for solo practitioners and small to mid-size law firms. Subscribing to a cloud-based application eliminates the need for a large initial cash outlay for servers, software licenses, and consultant fees. However, after several years, the overall costs between a traditional client-server system and a cloud-based system are about the same.
Is Cloud-based Computing Right for You?

As previously reported, there are many benefits of cloud-based computing. While there are also some disadvantages, the decision to move to a cloud-based platform should be based on several key factors:

- Is the attorney comfortable with storing client data on a hosted computing system that is not physically located within the walls of the law firm? There are plenty of arguments surrounding this particular issue, but the technology is available, is reliable, and is secure. If Amazon.com, E-bay, and your bank use this type of technology, it has to be reliable and secure. You just have to ask yourself if you are comfortable with this environment.

- Are you putting everything in the cloud or are you only using a particular application in the cloud? If you implement a hybrid system, such as financial or case management in the cloud and Microsoft Office on your firm’s computers, then you need to make sure there is a tight integration between the two. You need to understand how this is done technically and the backup procedures if one system fails.

- The devil is in the details, but most of the state-issued ethics opinions boil down to this: have you done your due diligence on the cloud-based company? Have you read the company’s license agreement and security policy, and do you understand the terms? If so, ethically, you’ve done about all you can.

- You will sign a “Service Level Agreement” (SLA) with the cloud-based company. It is detailed, but among other things, it should address confidentiality, it should state who owns the data (you!), and it should state the terms for you retrieving your data (and in what format) should you decide to leave the cloud-based company. If you leave the cloud-based company, you want to make sure you can get your firm’s data; standards exist for transporting contact and calendar records, but for more freeform data, you want to ensure you can get that in spreadsheet format (CSV).

- Last, but certainly not least, make a list of software functional requirements you will be using. Compare the traditional client-server application with the cloud-based application. The client-server application will most certainly be able to meet more of these requirements than the cloud-based application, but for those requirements the cloud-based system does not meet, are they a high priority? In other words, is the simplicity of the cloud-based system important enough that you can live without higher priority requirements? Keep in mind, there are several developers that have moved to the cloud and maintained much of the same functionality as their client-server based platform while others. If you need specific customization (i.e., not the generic configuration), then choices among cloud-based vendors will be fewer.

As a footnote, best practices for cloud-based computing should include:

- All communications to the cloud server from your computer should be encrypted using at least 128-bit SSL (Secure socket layer) encryption
- Cloud-based servers must be physically secure under lock and key with controlled access
- Cloud-based data centers should provide some level of redundancy, such as co-location & off-site storage
- Backups should be routinely provided to the firm
Summary and Conclusions

The Gartner Group, a global IT research firm, projects that spending on cloud-based applications worldwide will increase at an annual rate of twenty percent (20%) for years to come, thereby growing to a market of over $150 billion by 2013. Research company IDC estimates the market size for cloud computing to be at $42 billion by 2012, with an annual growth rate of 27%. Extending this to 2020, the market size for cloud computing stands at an astronomical $284 billion.

For law firms that typically do not have a full-time IT support staff or are on the verge of hiring additional IT staff, cloud-based applications can be attractive. There are predictable costs with no need to budget money or time for installation and implementation, upgrades and maintenance, and training is minimal. Larger firms may use specific cloud-based applications or short-term applications for a specific case or matter.

As far as comparing feature sets, traditional client-server applications will most likely have more features and functions than cloud-based platforms, though there are a few vendors that provide similar functionality in the cloud. The best advice is to develop a set of functional requirements (see www.lticonsult.com/cms.html) and prioritize these requirements when you compare the client-server application with the cloud-based application. Comprehensive feature sets certainly sound attractive on the surface, but may come at the cost of increased complexity and steeper learning curves. It will be important to you as an end user to determine the features you need in the software application, whether it is traditional client-server or cloud-based.

By definition, cloud-based applications operate over the Internet. While cloud-based vendors can control their applications and the hosting, they cannot control the Internet or the connection on your end. If you are going to rely solely on a cloud-based application and require reliable and consistent Internet connections, you might consider a redundant Internet connection. Obviously, this will increase the total cost of ownership for a cloud-based system.

Gartner estimates that the annual cost of owning and maintaining software applications can be as much as four times the cost of the initial purchase. Companies can spend up to 75% of their total IT budget just to maintain and run existing systems and infrastructure. IDC predicts that cloud computing will reduce the cost of owning IT infrastructure by 54 percent. These comparisons are common in the cloud-based environment and all point to the same result – reducing IT costs. But it is important to understand you will not completely eliminate them. You will still need some IT costs to maintain even the basic computer systems in your firm.

All cloud-based systems are not created equal, so you’ll need to do some homework to determine if moving to the cloud is the right move for your firm. Are cloud-based systems safe? Yes. Are they a viable option for the legal profession? Yes. There’s no doubt that the computing industry is moving toward this model, with Microsoft, Apple, IBM, Google, and Amazon leading the way. Does that mean that traditional client-server based systems will soon be obsolete? No, and I doubt they will be in this lifetime.

However, as more existing legal software companies come on board using the cloud-based platform, this trend will definitely help transport the legal profession into the cloud over the next few years. This trend also creates opportunities for niche legal applications, such as those for Intellectual Property, Immigration, Real Property, Estate Planning & Trusts, and Bankruptcy to become part of the cloud.
### Cloud-based Applications & Providers for the Legal Profession

The following is an alphabetical list of cloud-based computing products and services for the legal profession.

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<th>Application</th>
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<tr>
<td>A2J</td>
<td>Pro bono legal services</td>
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<tr>
<td>Adobe ConnectNow</td>
<td>Web conferencing</td>
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<td>Advologix PM</td>
<td>Practice management</td>
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<tr>
<td>Basecamp</td>
<td>Project management</td>
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<td>Bill4Time</td>
<td>Time &amp; billing</td>
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<tr>
<td>Box.net</td>
<td>Document storage and sharing</td>
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<tr>
<td>Carbonite</td>
<td>Online backup</td>
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<td>CaseCentral</td>
<td>Electronic discovery repository</td>
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<td>CaseMaker</td>
<td>Legal research</td>
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<td>caseManager Pro</td>
<td>Practice management</td>
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<td>Chrometa</td>
<td>Time capture</td>
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<td>Clio</td>
<td>Practice management</td>
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<td>CrossLoop</td>
<td>Desktop sharing</td>
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<td>Dialawg</td>
<td>Client communications</td>
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<td>DirectLaw</td>
<td>Virtual law firm platform</td>
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<td>DocuSign</td>
<td>Electronic signature service</td>
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<td>DropBox</td>
<td>Document storage and sharing</td>
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<td>Fastcase</td>
<td>Legal research</td>
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<td>Firm Manager, LexisNexis</td>
<td>Practice management</td>
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<td>HotDocs</td>
<td>Document Assembly</td>
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<td>HoudiniEsq</td>
<td>Practice management</td>
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<td>LawRD</td>
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<td>Legal Workspace</td>
<td>Hosted desktop – Amicus Attorney, Timeslips</td>
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<td>Litigation document management, e-discovery</td>
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<td>RightSignature</td>
<td>Create legally binding electronic signatures</td>
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<td>Rocket Lawyer</td>
<td>Connects lawyers with clients seeking lawyers</td>
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<td>Rocket Matter</td>
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<td>Vyew (<a href="http://www.vyew.com">www.vyew.com</a>)</td>
<td>Web conferencing</td>
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<td>Legal research</td>
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<td>WhichDraft (<a href="http://www.whichdraft.com">www.whichdraft.com</a>)</td>
<td>Online legal forms</td>
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<tr>
<td>WiziLegal (<a href="http://www.wizilegal.com">www.wizilegal.com</a>)</td>
<td>Customized legal documents</td>
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<td>Worldox (<a href="http://www.worldox.com">www.worldox.com</a>)</td>
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<td>Encrypted e-mail service</td>
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<td>Zoho Projects (<a href="http://www.zoho.com/projects">www.zoho.com/projects</a>)</td>
<td>Project management</td>
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Additional resources for cloud-based computing in the legal profession:

- **Legal Cloud Computing Association**  [www.legalcloudcomputingassociation.org](http://www.legalcloudcomputingassociation.org)
- **International Legal Technology Association (ILTA)**  [www.iltanet.org](http://www.iltanet.org)
- **ABA, Legal Technology Resource Center**  [http://www.americanbar.org/roups/departments_offices/legal_technology_resources.html](http://www.americanbar.org/roups/departments_offices/legal_technology_resources.html)
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2. Working in the Cloud, Dennis Kennedy, ABA Journal, August 2009.
12. Introduction to Cloud Computing, Erik Mazzone and Catherine Sanders Reach, ABA TECHSHOW 2011.
About the Legal Technology Institute
The Legal Technology Institute was first established by Andrew Z. Adkins III at the University of Florida Levin College of Law in 1997. LTI's primary mission is to provide independent legal technology consulting services to the legal profession. Mr. Adkins has personally consulted with more than 330 law firms, corporate and government legal departments, government agencies, law schools, and legal verticals for over 20 years. He has published more than 220 articles, made more than 200 presentations, and published several national studies on legal technology. He was chair of the ABA TECHSHOW in 2000 and 2001 and co-chair of the LegalTech Conferences 2000 – 2007. He is the author of “The Lawyer’s Guide to Practice Management System Software,” published by the ABA Law Practice Management Section, 2010. In June 2010, Mr. Adkins privatized the Legal Technology Institute and continues to provide independent consulting services to the legal profession.

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About Rippe & Kingston Systems, Inc.
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