Newly Scheduled Webinar—The Detroit Bankruptcy: Navigating Uncharted Waters for Your Clients

The Small Business Forum, the Debtor-Creditor Committee, and the Commercial Litigation Committee have joined together to present a timely program addressing the recent bankruptcy filing by the City of Detroit. Participation Information

Practice Alert: Is Your Electronic File System Secure?

Most attorneys would never consider publishing client files for the whole world to see. The obligation to safeguard client information and maintain the attorney-client privilege is a hallmark of the profession. Yet practitioners without proper security on their information systems may be inadvertently doing exactly that—exposing client information to those intending to maliciously obtain such materials through “hacking” into the attorney’s information technology systems.

During the ABA Annual Meeting in August of 2012, the Commission on Ethics 20/20 authored a resolution addressing information security. Resolution 105A clarifies a lawyer’s ethical duty to take reasonable measures to protect the confidentiality of client information, including information stored electronically. New language added to Model Rule 1.6 affirms that a lawyer has a duty to make reasonable efforts to prevent inadvertent as well as unauthorized disclosure of information relating to client representation. And language added to the commentary to Model Rule 1.1 states that a lawyer’s duty to provide competent representation to clients includes keeping up with changes in relevant technology.

What does this mean for your practice? Now more than ever, protecting information from being compromised is important—moving from a rarely-discussed matter to a routine obligation of adequate representation. Attorneys should start by creating secure passwords for all of their devices and regularly changing those passwords. It can

Reminder: Business Boot Camp is Back!

As mentioned in last month’s newsletter, the Programs Committee is planning fall and winter sessions of the ever popular Business Boot Camp. Business Boot Camp provides great training for new business lawyers, and a refresher for more seasoned lawyers on business law fundamentals. Fall and winter sessions are planned for November 4 and 5 at the Amway Grand in Grand Rapids, and January 23 and 24 at the Inn at St. John’s in Plymouth. Registration information will soon be available.

Section Events

- August 14, 2013—Webinar: The Detroit Bankruptcy: Navigating Uncharted Waters for Your Clients. Sponsored by the Debtor-Creditor Committee, Commercial Litigation Committee, and Small Business Forum. Participation is limited to the first 250 users. (Noon–1:30 p.m.)
- September 26, 2013—Annual Business Law Section Meeting, Council Meeting, and Presentation of the Stephen H. Schulman Outstanding Business Lawyer Award (4 p.m., Sheraton Detroit Novi)
- December 7, 2013—Council Meeting (10 a.m., Honigman Offices, Detroit)
take less than two hours for a skilled hacker to crack a standard eight character password. By contrast, it would take substantially longer to crack a strong alphanumeric 12-character password. Smartphones or other mobile devices should also be capable of being “wiped,” or cleared of data remotely in the event those devices are lost or stolen. Attorneys and law firms should periodically consult with technology experts to ensure that their means of storing electronic data is secure.

In recent years, there have been a number of high-profile hacking incidents. Law offices and firms are no exception—in fact, they are a target because of the sensitivity of information they possess. With proper measures, practitioners can be sure their data is secure and that they are in compliance with the relevant and ever-changing rules of professional conduct addressing information security.