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MacNotes The Verizon iPhone

By Jeffrey Allen

The biggest news in AppleLand, of course, relates to the iPhone. By the time you read this column, AT&T's death grip on the iPhone will have ended, and the Verizon iPhone era will have begun. Verizon made the announcement and currently has busied itself taking orders in advance of the ship date. For those of you who have refused to get the iPhone because you did not want to deal with (or could not deal with) AT&T, your patience now gets its reward; you can rush out and buy an iPhone 4 from Verizon. The real question now: Should you? Even more significantly, should unhappy AT&T customers start the shift to Verizon service?

While I dearly enjoy my iPhone and would not trade it for any other phone on the market (notwithstanding AT&T hanging around its neck like an albatross), I have decided not to shift to Verizon just yet. Let me explain my logic.

First, Verizon will have only the iPhone 4 for now. Like AT&T, Verizon will want a long-term commitment to give you a healthy discount on the phone. Most of us believe that Apple will likely come out with the iPhone 5 by the end of the year. What, you ask, will the iPhone 5 bring to the party that the iPhone 4 does

not have? Of course nobody outside of a limited people working for Apple and sworn to secrecy knows for sure, but good bets include more memory (*hooray!*) a faster, dual core mobile processor, such as some of the new Android phones now have, and connectivity with what the networks misleadingly refer to as 4G systems. Note that none of the networks offer true 4G speeds at the present time. What they call 4G really represents 3G on steroids. A more accurate description: 3G Plus or High Speed 3G. At any rate, it beats the heck out of the existing 3G systems. Verizon has announced its shift to 4G and sells several Android phones that take advantage of the 4G network. While the 3G network offers better coverage and works fine for voice communications, the 4G network will handle data and video much more quickly than the 3G network.

If AT&T has the iPhone 5 late this summer, when will Verizon get it? On the other hand, Verizon has a big jump on AT&T with respect to getting its 4G network up and running. Even when AT&T brings out the iPhone 5, it will not have 4G available to it in most markets for some time to come. When Verizon brings it out, it should have a much broader availability for the near term.

The Verizon iPhone will have most of the same features and physical characteristics as the AT&T version. Size, weight, memory, display, and processor should not differ. The location of buttons and controls will not match identically, so verify that you get the right case for your phone. The major difference relates to the connectivity. The Verizon version works on Verizon's CDMA network only, and the AT&T version works on AT&T's GSM network only (assuming that you have not jumped the reservation and unlocked your phone). Both have some international utility, but here AT&T excels. Verizon gives you about 40 countries worth of connectivity, while AT&T, using the more popular GSM system, gives you about 225 countries worth of connectivity.

The Verizon version allows you to use the iPhone as a mobile hotspot at a fee of \$20/month for up to 2GB of transfer. AT&T does not yet allow that, but we expect the release of an app that will allow it and a fee of around \$45 for up to 4GB of transfer. We do not know when the app will come out. Otherwise, you can do it by jail-breaking your iPhone and getting a third-party app not available in the App Store.

Initially, Verizon will offer an unlimited-use price plan for data at \$29.99 per month. AT&T started out with such an arrangement and shortly after it changed to a tiered and capped plan. We expect Verizon to do the same thing after it gets enough iPhone users in place.

One major difference between the two iPhones relates to the simultaneous ability to talk and transfer data. Verizon's version won't let you do it; AT&T's will.

So, the bottom line: if you really want an iPhone 4 and cannot or will not deal with AT&T, get the Verizon version.

If you do not have an iPhone 4 and will have relatively low data use, opt for the Verizon version, unless you will use it in an area where Verizon service does not perform well. If you will use your iPhone 4 in an area where AT&T service outperforms Verizon, go with the AT&T version. If you will want to use it in world travels, go with the AT&T version.

If you already have an AT&T iPhone 4, consider waiting until the iPhone 5 comes out before changing. See if Verizon gets it shortly after its release. See what AT&T does in terms of building a 4G network. Then make your decision. FYI, I talked to the Verizon people at Legal Tech in New York recently, and they told me that they thought Verizon may get the iPhone 5 on the market before AT&T due to their more advanced position respecting their 4G network. I have some doubts about that given the history of the two companies, but time will tell.

New MacBook Air

Apple recently refreshed the MacBook Air line, bringing out an 11" and a 13" version. I looked at the newly released MacBook Air laptops and decided to get a 13" version to replace my second generation MacBook Air. See my review of the MacBook Air in this edition of the eReport for more details, but for a bottom line, I love the 13" MacBook Air. It travels just as easily as its predecessor, has much more power, twice the memory, and as a result can function as a full-fledged laptop computer, rather than a glorified netbook. I have no problem recommending it to you for travel, home, or general purpose use. I strongly prefer it as a secondary computer and do not use it as a primary computer myself.

New App Store

Wait a minute, you say, what do you mean "new App Store"? The App Store still comes up through iTunes and it doesn't look significantly different to me. Well, while Apple continues to upgrade the iTunes Store's App Store (more about that later), I refer to the new App Store that Apple opened up last month to sell applications for Macintosh computers, not iOS devices such as the iPhone, iPod Touch, and iPad. To get into the new App Store, you need to upgrade your computer to OS 10.6.6. Once you complete that process, you will have a new App Store app in your system and an alias for it in your dock, with an icon that looks like a fancy "A" in a blue circle. The icon looks like this:

[include app store graphic here]

Double click on the alias (it requires an active Internet connection to work), and it opens up the new App Store where you can acquire and download more than 1,000 programs for your computer. Some of the programs come without charge. Many (most) require payment of varying amounts to acquire. The new App Store has most of the same features as the iTunes App Store. If you have used one, you will find the other very familiar. One of the best features of the new App Store, the Update feature, tells you which of your programs have updates available and lets you update all the programs you have downloaded from the App Store at once.

iTunes App Store

The iTunes App Store continues to evolve. The newest development relates to the sale of newspapers and magazine subscriptions. A company called News Corp. has launched a daily news publication for the iPad. You can get it free right now, but the anticipated subscription pricing should ultimately cost \$.99 per week or \$39.99 per year. The App ad says it will publish 365 days per year and provide 100+ pages of daily content as well as HD pictures, video, and audio. You probably want to check it out for a week before committing to a longer-term subscription; but it appears quite impressive, and I think you may like it. Expect to see more publications offered on a subscription basis through the iPad in the near future.

Last and Least

I attended the second annual Apple-less MacWorld Expo in San Francisco last month. You may recall that after attending the much-diminished first annual Apple-less MacWorld Expo in San Francisco last year, I expressed concern that the expo might follow the New York/Boston version of the expo into extinction. For those of you who do not remember this bit of history, MacWorld moved from Boston to New York and then several years later decided to move back to Boston. Apple did not want them to move back to Boston and said it would not attend a Boston show. When the show moved back to Boston anyway, Apple did not attend. As a result, the show participation and attendance dramatically dropped and, after a few years, the show died.

MacWorld 2011 offered a lot less than MacWorld 2010. Unless something dramatic happens, I do not expect MacWorld 2012 to improve on the 2011

version. If that happens, I think that, for all practical purposes, the show dies. This year, traditionally present companies like Adobe and Microsoft had no presence. Mostly a lot of iPhone and iPad case and accessory makers came to the show. A few software companies attended, but mostly small ones. I do not have attendance information, but it appeared less well-attended than last year, at least on the day I went. I always enjoyed MacWorld and will miss the expo if/when it dies. Apparently, however, Apple will not. Apple has apparently decided that in its current marketing model it has no need to appear at such events, most likely due to the significant number of bricks and mortar Apple Stores where people can go almost any day during the year (including weekends and many holidays) and try out Apple's newest and greatest hardware. Times change.

Jeffrey Allen is the principal in the law firm of Graves & Allen with a general practice that, since 1973, has emphasized negotiation, structuring, and documentation of real estate acquisitions, loans and other business transactions, receiverships, related litigation, and bankruptcy. Graves & Allen is a small firm in Oakland, California. Mr. Allen also works extensively as an arbitrator and a mediator. He serves as the editor of the [Technology eReport](#) and the Technology & Practice Guide issues of [GP Solo Magazine](#). He also serves on the Board of Editors of the ABA Journal. Mr. Allen regularly presents at substantive law and technology-oriented programs for attorneys and writes for several legal trade magazines. In addition to being licensed as an attorney in California, Jeffrey has been admitted as a Solicitor of the Supreme Court of England and Wales. He is an associate professor at California State University of the East Bay and the University of Phoenix. Mr. Allen blogs on technology at www.jallenlawtekblog.com. You can contact Jeffrey via email jallenlawtek@aol.com.

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Beyond Passwords

By Jack Newton

Virtually all of our private data, from the documents on our laptops to the data we store in the cloud, is protected by passwords. However, while passwords are a ubiquitous and integral component of authentication systems, they are often a weak link prone to exploitation by hackers, insiders, and others.

Ideally a password is a long, randomly generated combination of letters, numbers, and symbols, such as "2'0'&3mL15k." Additionally, each randomly generated password should be used only for a specific website, application, or device; otherwise, a password retrieved via a vulnerable website or device could lead to a cascade of compromised passwords. A password manager, such as 1Password or KeePass, should be used to ease the burden of generating and managing a large number of passwords.

The reality of password management is, however, an entirely different matter. We humans are creatures of habit with poor memories, and as a result choose to use the same, easy-to-remember passwords for many if not all of our various logins. "Password," for example, is one of the most frequently used passwords.

A recent survey by internet security firm Webroot underscores the sorry state of password security:

- 4 in 10 respondents shared passwords with at least one person in the past year
- Nearly 4 in 10 respondents use the same password for multiple websites
- Almost half of all users never use special characters (e.g., ! & \$ #) in their passwords
- 2 in 10 users use readily available personal information, such as a birth date or pet's name, as a password.

Despite endless admonitions to the contrary, many of us continue to use easy-to-guess passwords that are shared across many logins, and sometimes among friends and colleagues. When it comes to protecting sensitive data, especially

confidential client data, a shared, weak password clearly leaves some room to be desired.

So the question is: can we do better than solely relying on passwords to protect our confidential information? Thanks to advances in technology over the last decade, the answer is “yes.”

Biometric security has been integrated into many laptops, desktops, and newer versions of Windows. Biometric security refers to using a unique aspect of a user’s biology, such as a fingerprint or iris, for authentication. In the case of fingerprint-based biometric security, for example, instead of a typing in a password, you gain access to your computer by scanning your fingerprint. Password management software tailored for biometric identification will automatically generate and keep track of secure passwords for each website you visit, allowing you access on subsequent visits with a simple finger swipe.

While fingerprint identification sounds good on paper, it has several disadvantages. Fingerprint readers are not necessarily available on every machine you’ll want to access data on, and smartphones such as the iPhone don’t come with fingerprint readers. Without universal accessibility, the practical benefits of fingerprint-based biometric security are severely compromised.

Recent technical innovations promise to take biometric security to the next level. Recently filed patents from Apple, Inc., reveal plans for the company to use the front-facing camera and microphone on a computer, iPhone, or iPad to identify a user. If the device recognizes the face of a known user, it will automatically provide access to the user’s account. The company also patented an approach for using a computer’s microphone to identify a user’s unique heartbeat.

The question of password security is especially relevant for cloud-based services. Unlike desktops or mobile phones, where physical access to the device in addition to a password is required, cloud-based services are typically available to the entire Internet—armed with your password, anyone can access your cloud-based data.

A technology called **two-factor authentication** promises to strengthen the security of the cloud. Rather than using just a password to login to your cloud-based service, your password must be accompanied by a second, one-time-use PIN. This PIN can be sent to you via a variety of channels: via email, an SMS text message, or via a specialized keyfob. Without both your password and the one-time use PIN, you cannot access your cloud-based data.

Two-factor authentication means a hacker or other ill-intentioned individual cannot access your sensitive data without access to a secure communication channel that only you should have access to. Typical password hacking techniques, such as brute-force dictionary attacks, have no hope of succeeding against two-factor authentication.

Two-factor authentication is seeing increased adoption among cloud-based providers. Google recently announced that it will adopt two-factor authentication for millions of Google Apps users. Two-factor authentication has also recently arrived in legal cloud computing space: Clio announced two-factor authentication for its web-based practice management suite (full disclosure: Clio is my company).

Biometric security and two-factor authentication both significantly bolster what is traditionally the weakest link in the security and authentication chain. Expect both to become more commonplace in the coming years. While the password will never die, its days as the sole method of proving your identity are numbered.

Jack Newton is cofounder and president of Clio, a leading provider of cloud-based practice management software. Jack holds an M.Sc. in computer science from the University of Alberta, and has more than 10 years of experience building start-ups and web applications. Jack holds three software-related patents in the United States and EU. He has also spoken at CLE seminars on how practice management systems can be used to help a lawyer practice ethically and competently. Jack has also written and spoken on cloud computing in general, and specifically on the ethics, privacy, and security issues relating to the use of cloud computing in the legal market.

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Have an aversion to new techniques? Open your mind for higher profits.

Secure Surfing With Subscription VPN

By Tonya Johnson

Although Wireless Networking, commonly referred to as *Wi-Fi*, is practically ubiquitous, it isn't universally secure. Several major 2010 news stories, both national and international, featured incidents of unsecure Wi-Fi. Google [confessed](#) to unauthorized collection of data transmitted by unsecured Wi-Fi networks in 30 countries as its Street View cars rode around neighborhoods throughout the world collecting data for Google Maps. A feud between a man and the family next door became a federal case when it was [discovered](#) that the angry man hacked his lawyer neighbor's Wi-Fi connection and used it to send child porn to his law firm colleagues and a threatening email to Vice President Joe Biden. Finally, a number of media outlets [reported](#) on the Firefox web browser add-in Firesheep that identifies nearby users who are accessing the Internet on an unsecure Wi-Fi network and infiltrates their social media accounts.

Modern society has become ever more connected and consequently so has its lawyers. Lawyers are increasingly reliant on mobile technology and the ever present wireless networks that connect them in order to maintain office and client contact. The 2010 ABA Legal Technology Survey Report reveals that 71% percent of respondents work from a location other than their primary office. Seventy-nine percent of respondents from firms of 100 or more attorneys, 72% from firms of 10–49 attorneys as well as 70% from firms of 2–9 attorneys and 68% of solo respondents are also telecommuting. Although most survey respondents work from home (88%) when away from the office, a significant number are working in public places such as hotels (32%), libraries or courthouses (14%), and coffee shops/cafes (12%), locations most vulnerable to exploitation.

I Only Use Paid Wi-Fi Services

Just because you paid a fee for the Wi-Fi access provided at the airport or hotel or even in-flight doesn't mean it is secure. In 2003 litigation technology consultant Jeff Flax [noted](#) that most Wi-Fi hotspots aren't encrypted and that it isn't economically feasible to encrypt public networks such as those from hotels, airports, and other providers. In 2008 *Forbes* magazine cautioned "Travelers

beware: Poorly secured airport Wi-Fi networks are catnip for snoops” in the article [Hacking Airport Wi-Fi](#). Even at 30,000 feet Wi-Fi users were vulnerable to hacking. But take heart: there is a remedy!

With subscription virtual private networking (VPN) you can surf securely on the road. Virtual private networking provides a secure tunnel between your remote connection and the office network. This ensures that everything a user sends and receives is encrypted and makes web surfing much safer. VPN once implied the need for a network administrator or consultant for setup and support, an expense that can be prohibitive for many solo and small firm practitioners. However, subscription VPN, also referred to as cloud-based, third-party, or hosted VPN, allows you to enjoy the service and support of an in-house information technology department without the overhead. Cloud-based VPN services have been around for awhile and are as secure as traditional VPN offerings, easy to setup, and affordable.

What Are My Options?

When considering subscription VPN, there are two flavors among third-party providers: a PPTP VPN solution or an SSL VPN solution. The PPTP protocol is a standard security technology with a client (application) that comes installed with all computer operating systems and mobile devices. A PPTP VPN has relatively low overhead, making it the fastest choice of the VPN methods but also the least secure method. PPTP doesn't encrypt the traffic: its main function is to create the tunnel in which the data traffic is transported and authenticate users, but it can be configured for 128-bit encryption. If you are setting up a VPN for your mobile device (Nokia, Palm, iPad, iPod Touch, or iPhone), a PPTP VPN is your only option.

Choosing an SSL VPN is the most secure option because it is encrypted out of the gate and doesn't require a client because it uses the web browser (Internet Explorer, Safari, Firefox) as the client application. SSL VPN utilities may refer to themselves as being OpenVPN. This means that they were developed using a free and open source software application that adheres to rigorous standards to cloak data transmission on public networks and utilizes SSL/TLS security for encryption. Where they may differ is in the protocols that are used or the levels of encryption offered. If you travel internationally, then SSL VPN may be the only option available for a secure connection as PPTP VPN is often limited or blocked. An SSL VPN may also confer the benefit of being a little easier to set up because it usually requires you to download an installer that does most of the configuration. A PPTP VPN requires you to manually edit your network operating system or device settings in order to utilize the VPN provider's encryption server. Typically, this involves inputting the name or address of the encryption server, your username and the password, all of which is provided by the service provider when you enroll in the service. With either choice, a PPTP or SSL VPN setup can often be completed in 15 minutes.

Which Option Is Best for Me?

If most of your wireless networking takes place on known, secured networks (home, work, client sites, etc.), then a PPTP VPN is an acceptable option. However, if you are a road warrior who travels to foreign countries that censor Internet access or frequently works on public networks, then you'll want to select an SSL VPN. This choice costs a little more than a PPTP VPN, but provides the highest security level and greatest protection during the transmission of sensitive data when utilizing uncertain networks.

Before registering for the service you will need to know your operating system, wireless card manufacturer and model number, driver version, and Hotspot location. If you've been notified of available system updates, complete those first, making sure that you've have the most current drivers and service packs available. The best pricing options may be available with a yearly subscription but it's best to take a trial or short-term period to see how the VPN operates on

your home or work wireless networks. This gives you an opportunity to fix any problems (such as firewall settings) before hitting the road. During this test period you should also ask questions, no matter how trivial, to determine the responsiveness of technical support.

Potential Challenges

Technical support can be limited for cloud-based VPN providers and usually consists of FAQs, a knowledge base, and text-based installation instructions. If you are a power user, this may suffice, but minimal human interaction is usually the tradeoff that keeps these services affordable. Also, some third-party VPNs may conflict with the connection utilities supplied by your wireless card provider. If this happens, you'll usually receive error messages that will notify you of these conflicts. This may require that you disable the wireless card's connection utility before starting the VPN. Additionally, your email client (Microsoft Outlook, Eudora, Thunderbird) may balk at changes to the port and SMTP server settings. Web-based email services such as Gmail or Yahoo! should be fine.

There are a large number of third-party VPN providers, both free and paid, in the market. Service providers range from small, anonymous operations with questionable credentials to established providers reviewed by reputable institutions. This article focuses on two paid services that are well known, support SMTP encryption, provide both PPTP and SSL VPN, and have good technical support options.

[HotSpotVPN](#) was formed in 2002 and supports multiple levels of encryption. HotSpotVPN supports most major operating systems including Windows 7, Snow Leopard OS X, Linux, FreeBSD, Solaris, and OpenBSD. Supported mobile devices including iPads, iPhones, Droid phones, most Symbian-based Nokias, Windows Mobile and PocketPC, and Nokia Internet Tablets.

HotSpotVPN offers two VPN services, referred to as HotSpotVPN-2 or HotSpotVPN-1. HotSpotVPN-2 is the SSL VPN offering, available at \$10.88 per month for Blowfish encryption (128 bits), \$11.88 for AES-192 (192 bits), and \$13.88 for AES-256 (256 bits). Each SSL VPN includes a complimentary PPTP HotSpotVPN-1 account for your handheld device. HotSpotVPN-1 is the PPTP VPN and uses 128-bit MPPE encryption. HotSpotVPN-1 is \$8.88 per month. You can get 12 months for the price of 10 if you purchase an annual subscription. You can also purchase HotSpotVPN1 for a day (\$3.88), three days (\$5.88), or a week (\$6.88). Technical support options include FAQs, a knowledge base, and brief illustrative videos for each service offering and operating system. Email support is available, but turnaround may be greater than 24 hours on the weekend for a response.

[WiTopia](#) (formerly Full Mesh Networks) was founded in early 2003. WiTopia supports VoIP as well as the iPad, iPhone, and iPod Touch, Mac OS X, Windows XP, Windows Vista, Windows 7, Linux/FreeBSD/Solaris and Android phones, Windows Mobile, and Symbian OS. The client can be installed on multiple machines, but only one can be used at a time unless multiple accounts are purchased or a CloakBox VPN router (also from WiTopia) is used. The two VPN clients offered by WiTopia are the personalVPN – SSL (for the Mac or PC) or the personalVPN – PPTP. WiTopia doesn't offer any free trial periods, but all products carry an unconditional 30-day money-back guarantee.

A subscription to personalVPN – SSL (openVPN) (\$59.99 annually) provides unlimited access to all WiTopia VPN gateways as well as alternate ports and 256-bit encryption options. An installer is downloaded and run to preload all WiTopia gateways. The personalVPN – PPTP (\$39.99 annually) requires no installation and provides 128-bit encryption. Most computers and smartphones have compatible PPTP software built in so you don't have to install anything to use it. This is the product that you would order to protect your iPad, iPhone,

and iPod Touch. If you have both laptops and mobile devices, then you would order the SSL/PPTP bundled package for \$69.99. Technical support consists of FAQs, email, a Support Wiki, and a very responsive 24 x 7 x 365 live chat.

Bio

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SurvivingEmail Social Media May Just Save Email

By Tom Gibson

Is Email Sexy Again?

In August, Google introduced Gmail Priority Inbox, a new feature that learns to identify your important email for you. Imagine, just the email you need right now, right in front of you.

Then in November Facebook announced a major messaging rethink. Facebook Messages will be a “modern messaging system” that unifies email, Facebook messages, chat, and SMS in a single application. Like Google, Facebook also recognizes that some email messages are more important than others. What’s important for Facebook? Email from Friends, of course. Nonfriend email will sidestep the Inbox and land in the “Other” folder.

Two new but very different takes on an old email effectiveness challenge: how to bring your important email forward.

Gmail, Facebook? But I Use Outlook!!

Yes, at work we all do, and like most other business email users you too might be wondering how these and other social developments affect you.

As for highlighting important email, don't expect help from Microsoft anytime soon. While Outlook excels as an email program, it's the Outlook add-in market we look to for productivity automation. On the social front, there *is* hope. Outlook 2010 includes a Social Connector feature for passive awareness. A good start.

What's Social Got to Do With Business? Why Now?

In case you are inclined to dismiss social communication and its tools as only for younger generations (or to use when not at work), I challenge you to consider that our interactions at work couldn't be more social. Email is often awkward and too formal in our social world of business. That these emerging social tools better handle it *outside of email*, and in a complementary way to email, is now a redefining opportunity for email, and for you. Read on to learn how.

Three Indisputable Email Truths

To better understand how social media can help email, let's be up front about what we all now know to be true.

Truth #1: Email doesn't do social. An asynchronous medium, email fails us for communications requiring real-time back and forth, discussions, emotionally sensitive issues, and urgent matters.

Truth #2: Email is for the keepers. Emails to set meetings and interim updates are annoying. In contrast, we like and want to keep emails that contain (1) information to do our jobs with colleagues and clients, and (2) external information like e-newsletters that keep us informed.

Truth #3: Email is the world's most popular business information system. Surprised? Where does *your* most important business information reside? Many haven't noticed, but with automatic sorting and browsing tools, vastly improved searching, and cheap disk space all converging, email now rocks as a way to manage your information.

Three Ways to Up Your Email Game

1. Use SMS and Chat for Throw-Away Email

Your first surprise may come when you notice people who are unresponsive via email often respond quickly to your text (SMS) messages. And you'll find chat surprisingly effective for clarifying things in quick Q&A sessions. It's easy to set up free accounts.

Is it professional? Absolutely, when used appropriately. You'll see rapid and broad uptake of these tools this year. For your team, consider [Yammer](#), a social networking product designed specifically for internal communications. Either way, start with those you communicate with most, and you'll soon enjoy correspondingly fewer emails.

2. Separate Out Your Important Email

When helping clients we look to see how many newsletters they receive. If just a handful, Outlook's Rules feature can handle the job. For more, we recommend [Nelson Email Organizer](#), an Outlook add-in that separates correspondent (important) mail from bulk mail that can be read later.

3. Keep All the Outlook Email You Want

People who work hard deleting email and religiously file to folders may feel efficient, when in fact they're stuck in old ways. The trend today is to email less but save more of it, and find it using new browsing and searching technologies instead of filing.

We help shift people into the new ways. For many, improving their workflow and how they use Outlook is just what's needed. For those managing *many* external relationships, more is needed. Nelson Email Organizer has its own version of "friends"—it puts all email (sent and received) from each person you correspond with into automatically created [NEO virtual folders](#). It makes it easy to browse to any email you need.

For those who just want to improve on Outlook's search, [X1](#) or [NEO Find](#) can be a great fit.

Can Social Media Really Save Email?

Not entirely. But increasingly, it will take over the social exchanges email is poor at. Then email programs can do what they do best—manage the information we all need to better do our jobs.

Tom is principal trainer for Slipstream Advantage Group. He coaches busy professionals and trains companies in the new ways to manage email. Contact Tom at SlipstreamAdvantageGroup.com.

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Technology eReport



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TechNotes

Today's eDiscovery Requirements: Are You—and Your Clients—Prepared?

By Jim McGann

In the past 18 months the landscape of ediscovery trends and legislature has changed significantly. The courts have begun to mandate discovery of data once thought too burdensome to access. Change in this regard has been reflected on the state level. For example, it has been more than a year since the California eDiscovery Act (AB5) was signed into law on June 29, 2009. This act requires disaster recovery data, aka backup tapes, to be treated as a standard source of search and discovery efforts.

Also contributing to the shift in ediscovery requirements around backup data, this past year Judge Scheindlin, of the well-known Zubulake case and more recently the Montreal Pension Committee, put forth the opinion that companies must "preserve backup tapes when they are the sole source of relevant information or when they relate to key players, if the relevant information maintained by those players is not obtainable from readily accessible sources." This is an opinion that the judge reinforced at the recent Georgetown eDiscovery Institute conference in November 2010. Recent articles in both the *Wall Street Journal* and the *National Law Journal* have also documented

technology enabling the access to legacy data, further supporting the court rulings around the disclosure of data contained in legacy formats.

As a result of this changing landscape, many outside counsel have advised their clients to consider electronically stored information (ESI) policies, determine how ESI is stored, and ascertain whether it can be produced when required. Have litigants taken this advice seriously? Are they prepared for litigation? Have they taken steps to understand their data management and destruction policies? The answer is a resounding “maybe, maybe not.”

With ESI reaching unprecedented volumes, it is no easy task for legal teams to find the proverbial “needle in the haystack.” However, new regulations, including the aforementioned AB5, have resulted in judges who are more educated on ediscovery best practices and discovery technology. Therefore, it is inevitable that counsel and their clients become proactively involved with their IT departments in setting policy on how ESI is managed and start down the path toward litigation readiness. This collaboration between IT and legal will be crucial in avoiding fines and sanctions from the courts.

The key to implementing a defensible policy with regard to an organization’s data is to first understand what information exists and where it is stored. Many firms are implementing tools, such as email archives, to better manage their data. However, the volume of unmanaged data is still significant. Take into account files on corporate servers, historical email on old backup tapes, or even data on users’ desktops. Having a view into this content has been next to impossible as this data is locked away in proprietary environments (email servers and backup tapes) and is constantly changing and growing. IT personnel supporting legal teams must become more proactive and understand the content of this ESI. They have to stand ready to produce the data when it is needed. A proactive discovery effort will help determine what and where sensitive data exists.

Search tools have become more sophisticated. They can now easily integrate into corporate repositories of stored data, like disc storage or backup tapes, and turn piles of unknown data into discoverable records. This has made the effort of proactively discovering stored data feasible. Leveraging these tools makes unmanaged ESI discoverable and delivers knowledge to counsel and other departments within an organization. Armed with this knowledge, legal teams can deploy policies that prepare them for future litigation.

Similar to the success of the Internet, where search technology propelled the web into the valuable tool it is today, ediscovery technology will allow corporations to leverage the information assets hidden in stored data. Before Google or Yahoo, web content could have lived for eons without being found. Now if web content is published today, tomorrow it will be found by anyone performing a related search. Data cannot hide on the Internet because of the power of search technology.

In law firms and corporations the same challenge exists. Discovery of content is inevitable. Legal teams understand that it is better to know what exists up front and become more proactive with respect to the overall data assets. Making data discoverable, following in the footsteps of the Internet, is no longer a complex challenge. Technology behind ediscovery has become far more robust and deployable, and is now often available via Internet subscription or software-as-a-service models that require little to no upfront investment or hardware. Search and discovery can now keep up with the volumes of data that are continually produced along with the massive stockpiles of historical content, regardless of format or content. Just like all new technology, the market entry price starts high, but over time the demand and volume dictate the right price. This has happened with ediscovery technology—the market has seen the overall efficiency and cost of complex enterprise data discovery balance out and become

affordable.

Deploying search technology has been simplified. High-speed, efficient enterprise indexing is now a reality. With indexing nodes now deployable within the corporate infrastructure, something IT organizations are now deploying, legal teams can now enforce policy. Policy engines consist of canned queries that are executed on a regular schedule. Specific files related to key corporate intellectual property, sensitive keywords within users' email communication, technical specifications related to a new product under investigation, and so forth can be proactively queried, and relevant data can automatically be delivered to legal for further action. No longer will legal be in the dark: they will have the information they need to make the right decisions for their organization.

Given industry trends, the advent of search technology, and the cost effectiveness of data discovery, proactive litigation readiness is now possible and quickly becoming a best practice for organizations facing litigation. Deploying technology across all enterprise data environments is the only way to achieve a litigation-ready environment. In today's climate of regulations and meticulous oversight, it is imperative that steps be taken toward litigation readiness, for small and large organizations alike. The recent laws, opinions, and articles should be a sign of things to come, and taking a proactive step now will avoid expensive and painful ESI collection fire drills in the future.

Jim McGann serves as Vice President of Information Discovery for Index Engines. He has extensive experience with the ediscovery and information management and is currently contributing to the Sedona Conference Working Group addressing electronic document retention and production. McGann is also a frequent speaker for industry organizations including ARMA and ILTA, and has authored multiple articles for legal technology and information management publications.

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Best Authority: Looking Good Is a Must in Hollywood, Even for a Table of Authorities

Reviewed by Max Sprecher

The best argument should prevail, but appearances matter—and this truism extends to your brief's table of authorities (TOA). TOA creation can be a lengthy process that involves going through a legal brief and finding, then marking and formatting, each citation—a tedious process that can take hours to complete. Judges look at the overall format of your brief. If your TOA looks like you put little effort into it and you weren't giving due diligence to the formalities required by law, then why should the judge be impressed with the brief as a whole? On the other hand, if the TOA looks good, it helps the brief—and you—look good. Whether they realize it or not, judges are influenced by the appearance of the brief as well as its substantive content.

And guess who else likes to look good? My clients. I should know; I've been in entertainment law for 19 years, and the clients are picky about appearances.

Recently, my Los Angeles law firm, [The Law Offices of Max J. Sprecher](#), was searching for a better way to generate TOAs, and reviewed Best Authority by [Levit & James](#). My practice includes entertainment and business litigation in state court, federal court, and before the California Labor Commissioner. I needed the right TOA-creation software that would keep my briefs looking professional while saving billable hours as well as hours of frustration from working with the built-in TOA process available in a word-processing program.

I have what one might term a long and personal history with TOA creation. My family had a word-processing business in the early 1980s that provided typing services for attorneys. I did some of the typing personally, but didn't create the tables of authorities. Later, I tried to use WordPerfect to create the TOAs, but this was cumbersome. Basically, if you have ever tried to use a word-processing program for TOA creation, it's a nightmare. I don't like nightmares; I like solutions.

After I graduated from Southwestern University School of Law in 1993, I joined the firm of Lavelly & Singer P.C., one of the nation's preeminent entertainment litigation firms. By 1994, I discovered that LexisNexis was producing FullAuthority TOA creation software in a relatively early incarnation. I persuaded the firm to buy it to create professional-looking TOAs, to save time, and to save the firm from word-processing nightmares created by using the native TOA capability in WordPerfect. FullAuthority reduced the never-ending process of producing an accurate TOA down from hours to minutes. Unfortunately, LexisNexis upgrades and support for FullAuthority was ultimately discontinued.

In September 2005, I decided to launch my own firm. Never was the importance of the right TOA creation software as important as when I made the decision to go solo.

When I opened my office, I implemented West's program—Cite Check—an add-on for Word. It was free; it would create a TOA in about the same amount of time as Full Authority. Overall, however, Cite Check was limited. Formatting and corrections had to be made manually by using Word, and there weren't a lot of choices to customize what it was doing. Also, when I migrated to Windows 7, I began having problems with Cite Check. Granted, I was using an older version, but I couldn't get the software to pull the TOA even though I was following the instructions appropriately. The formatting wasn't matching or consistent throughout the document

At the end of the first quarter in 2010, I went looking for an alternative to Cite Check. I reviewed Levit & James' Best Authority and several other competitive products online; Best Authority looked like the proper fit. I called sales support at Levit & James and was told that I could not buy Best Authority until I watched the training video (something I tend to avoid). However, they were insistent, and I took the time to watch the video. After reviewing the training video, I decided to purchase Best Authority TOA in June 2010.

Best Authority automatically finds and marks all citations in the document for you, and the software generates a completely accurate TOA distinctly faster than West's Cite Check, and even faster than LexisNexis' FullAuthority. This means that I don't have to manually go through the document line by line. There is no longer a need to spend an hour or more in a word processing program individually identifying and marking each and every citation, and hoping that I catch all of the case references. I don't have to give instructions to the Word program as to whether this is the long version or the short version of the citation. If I make any corrections, I don't need to repeat the entire process. The software clearly guides you through the TOA creation, literally showing you what it's going to do on the screen. The instructions are logical and simple to follow, and the formatting is also reliably consistent. Because of all this, I found

myself whittling my TOA creation time down to about 3–5 minutes.

Also, with Best Authority, corrections are simple and can be made quickly. The software has two unique reviewing tools, including a split-screen Draft Review Mode where you can compare the entries in your TOA with the original citations in context in the body of your document, all the while identifying the types of citations with temporary color coded highlighting. With Best Authority, I don't have to recheck the document after the TOA is created—Best Authority catches all the citations and automatically formats them correctly. More importantly, I can make corrections during the review process.

If something looks strange or if there are mistakes in the document that result in “broken” citations, Best Authority makes it easy to track down these “suspects” and permanently correct them. It's simple to just jump to that position in the brief and make that correction as you're viewing the draft of the table.

A TOA is like dressing well for an interview, and I don't want to be sloppily dressed. Best Authority eliminates the stress of finalizing a document. As long as I have 30 minutes to get something out the door, I have plenty of time to use Best Authority because it only takes a few minutes. This takes a lot of the pressure off the finalization of the brief.

I have been using Best Authority for approximately seven months now and have come to see it as a necessary tool. Every law practice that does briefs can benefit from this type of TOA creation software. Building a TOA in a native word processing program is like trying to be a lawyer without a smartphone; it is quite simply a must-have for any lawyer and an absolute must for lawyers who have to do it themselves. Best Authority is accurate, fast, and easy. Best Authority does not require an expansive understanding of computer software programs. It saves me from the stress and tedium of TOA creation, and saves me many billable hours for each TOA for each case, which means my clients are paying less for the same—or better—work. They don't object to that. And that makes everyone look good—except for my opponents.

Max J. Sprecher is sole proprietor of the Law Offices of Max J. Sprecher, a business and entertainment litigation firm located in Los Angeles, California. Max can be reached at max@sprecherlaw.com.

The New Macbook Air

Reviewed by Jeffrey Allen

Apple recently refreshed its MacBook Air, expanding the line to two models having very different capabilities. The line now consists of an 11" version that compares favorably to top-of-the-line netbooks and a 13" version with considerably more computing power that works as a fully functioning laptop computer.

The new MBAs have a sleek, svelte appearance and travel very well. The smaller unit compares in size to the typical 10" netbook, but has more power and speed than most netbooks currently on the market. (It also costs considerably more than most netbooks currently on the market). The larger unit provides an excellent compromise, offering you the lighter weight and smaller profile of a computer designed for mobility and sufficient power to do most of the things that lawyers use computers for professionally.

The two newest MBAs have a lot in common. They share the same external appearance (except for size), the same basic aluminum unibody construction, the same flash technology, the same multitouch technology and track pad, the

same high-resolution display, the same Face-Time camera, and the same battery-saving technology. Both have built-in Bluetooth and WiFi connectivity (802.11n). Both use the minidisplay port for connection to an external monitor. Both have USB 2.0 (1 port on the 11" and 2 ports on the 13"). Intel Core 2 Duo processors drive all versions of the MBA. Both versions come with the current iteration of the Snow Leopard operating system and MacLife installed.

The camera built into the new MBAs is FaceTime capable, so that you can make and receive FaceTime calls with the MBA to or from any other FaceTime capable computer or iPhone/iPod Touch. The FaceTime application for the Mac is still in beta, but you can download a copy and use it.



Image courtesy of Apple, Inc.

The MBA gives you a high-resolution widescreen display that appears larger than it is. The 11" MBA has a resolution comparable to most 13" screens while the 13" MBA has a resolution comparable to most 15" screens.

The new MBA comes with stereo speakers. The speakers work fairly well given what they are and their size, but they do not represent the computer's best feature. They qualify as adequate; but I think you will be much happier if you get a good set of headphones and plug them into the jack to listen to music, movie soundtracks, and voice chats.

Neither unit comes with an internal optical drive. You can purchase an external optical drive from Apple for \$99. You can also use the drive-sharing technology built into the computer and its operating system to share the optical drive of another Macintosh laptop or desktop running the current operating system.



11-inch MacBook Air

13-inch MacBook Air



Images courtesy of Apple, Inc.

Within the common parameters shared by the two versions of the new MBAs, Apple offers some significant differences in the packages other than the physical size of the computers. As noted above, the 11" MBA has one USB port, while its larger sibling has two. The 13" MBA also comes with an SD card slot. The larger size of the 13" MBA allows for a larger battery, which accounts for the difference in the top end of expected usage differing between the two computers. The 11" is expected to last up to 5 hours per charge, and the 13" up to 7 hours per charge. In both versions, the basic unit comes with 2GB of DDR3 SDRAM, which you can upgrade to 4GB for \$100. That upgrade gives you considerably more power and flexibility, and you should opt for it automatically. If you ever intend to run one of the virtual computing programs, such as Parallels, on the computer, you *must* have the upgrade as they require physical RAM for the virtual computer, and you will need a minimum of 2GB to run either the Mac OS or the current versions of Windows competently.

The 11" MBA has an 11.8" x 7.56" footprint and varies in height from .11" to .68". It weighs in at 2.3 pounds. The base unit sells for \$999 with a processor running at 1.86 GHz; and a 64GB flash storage capacity. The upgraded version costs \$1,199 and gets you a 128 GB of flash storage and a 1.4 GHz processor, with the option of upgrading the processor speed to 1.6 GHz for an additional \$100.

The 13" MBA has an 12.8" x 8.94" footprint and varies in height from .11" to .68". It weighs in at 2.9 pounds. The base costs \$1,299 and comes with a processor running at 1.86 GHz and 128GB of flash storage memory. The upgraded unit costs \$1,599 and comes with 256GB of flash storage memory and a 1.86 GHz processor, upgradable to 2.13 GHz for an additional \$100.

I should take a minute to discuss the advantages of the solid state drives (SSD) in the MBA over the traditional hard disks. First of all, the absence of any moving parts renders the likelihood of failure of the drive significantly smaller. The SSD will likely hold up better to the knocks and bumps of travel than a traditional hard disk. Moreover, it boots up much faster and draws considerably less power than a traditional hard disk. Unfortunately, SSDs larger than 256GB remain comparatively expensive. Take advantage of the pricing up to 256GB for now and look for larger SSD drives at reasonable prices in the not too distant future.

I opted for the 13" MBA, upgraded to the high -end processor speed and 4GB of RAM. I do a lot of travelling and a lot of work on the road and wanted the additional power for that purpose. I wanted the higher processing power as I use often use the computer for presentations and occasionally use it to run virtual machines on the Windows platform using Parallels. It gives me everything I could get out of the 11" version and more. Other than the half pound savings in weight and cost, the only advantage I can find for the smaller unit is that if you are on an airplane and the person in front of you pushes their seat all the way back, the smaller unit fits better on the tray table. Not finding that a persuasive reason to get the smaller and less powerful unit, I opted for the 13" version. Conversely, if all you want is something to handle email, word processing, or watch an occasional video, the 11" may suit you perfectly well (although a larger screen works better for watching movies).

Overall, I am delighted with my 13" MBA. It provides a much-improved package over the last generation of the MBA. While 256GB still cramps me a bit in terms of storage space, I have accommodated well to it and can always supplement it with external storage if I need to do so. Smaller storage capacity would pose serious problems for me. That said, I should disclose that I use the MBA as a supplemental computer, not as my primary computer. While I can see the 13" MBA serving as a primary computer for someone having light to moderate computer needs, I do not think it is as good a choice as a primary computer as some of the other options available. As a second computer, however, I think it represents an excellent choice, and I highly recommend it. I do not see the 11" MBA functioning well as a primary computer for any but those with very light computer needs. As a second or third computer, serving basically in the position of a netbook, however, it should work quite well.

Dropbox

Reviewed by Jeffrey Allen

Because I regularly use more than one computer, I have gone through any number of programs and procedures to keep current personal and practice information on each of them. Although I found several ways of doing it, none of them worked as well or as easily as I wanted. Several months ago, I discovered a program called Dropbox. Dropbox lives in the cloud and has a home on each of my computers, my iPad, and my iPhone. It has earned a place as my regular application to keep my data current on all my computers and Internet-savvy mobility devices.

To set up Dropbox, you simply go to www.dropbox.com and download the installation software, install it on your computer, and set up an account. You can get the iPhone/iPod Touch/iPad apps at the iTunes store. You can also get Blackberry and Android versions of the Dropbox app. The installation package sets up a Dropbox folder on your computer, which you then connect to your Dropbox account. Once you have connected more than one computer to the same account, the software automatically syncs the folders so that whatever you add to or delete from one computer's Dropbox folder appears in the folder of every other computer that is connected with the same account and on line. If a computer is not online when you make the change to another computer, the software makes the modification as soon as the computer goes online and connects to your Dropbox account. Dropbox maintains your data on its secure servers and maintains a 30-day history of your folder, allowing you to undo a mistake within that time frame. Dropbox works equally well with both the Macintosh and the Windows platforms. Dropbox will let you elect to synchronize all or selected files over your devices.

Dropbox encrypts data for storage and transfer using military grade encryption.

I have had absolutely no issue with lost or corrupted files using Dropbox and have found it completely satisfactory for keeping my data current across my office computer, home computer, laptops, iPad, and iPhone.

If Dropbox did nothing more than keep the data current across multiple devices, it would justify keeping it on all your computers. It does much more than that, however. Dropbox will also allow you to share specified folders with identified recipients. That allows for easy transfer of files too large for email attachment. It also makes it easy to collaborate on files.

You can also use Dropbox for backup of your files as they automatically back up the data on their servers. That, in conjunction with having your data on all of your connected devices gives you pretty decent backup protection. If you want a more conservative approach, you can also back your Dropbox folder up regularly

to an external storage device, such as a USB flash drive or an external hard disk.

Dropbox will give you an unlimited time free account with 2GB of storage space. That gives you a chance to try it out and, if you do not have the need to store more than the 2GB allowed, lets you use it indefinitely at no charge. If you find that 2GB does not provide enough room for all your needs, you can buy more storage space. They offer a Pro 50 account that gives you 50 GB of storage for \$9.99/month, which they discount to \$99/year if you pay for a year in advance. If 50 GB doesn't do it for you, you can get a Pro 100 account that will give you 100 GB of storage space for \$19.99/month, discounted to \$199/year if you pay for a year in advance.

Dropbox has earned its place on my computers and devices. I have installed it on all of them and use it daily. It has become one of my favorite utilities. It works as it should; it works seamlessly and performs in a completely satisfactory manner. I do not hesitate to recommend it to you. I think it belongs on the computers and connected devices (iPads, smartphones, etc.) of everyone who needs to keep data current and consistent across multiple devices./a>

Jeffrey Allen is the principal in the law firm of Graves & Allen with a general practice that, since 1973, has emphasized negotiation, structuring, and documentation of real estate acquisitions, loans and other business transactions, receiverships, related litigation, and bankruptcy. Graves & Allen is a small firm in Oakland, California. Mr. Allen also works extensively as an arbitrator and a mediator. He serves as the editor of the [Technology eReport](#) and the Technology & Practice Guide issues of [GP Solo Magazine](#). He also serves on the Board of Editors of the ABA Journal. Mr. Allen regularly presents at substantive law and technology-oriented programs for attorneys and writes for several legal trade magazines. In addition to being licensed as an attorney in California, Jeffrey has been admitted as a Solicitor of the Supreme Court of England and Wales. He is an associate professor at California State University of the East Bay and the University of Phoenix. Mr. Allen blogs on technology at www.jallenlawtekblog.com. You can contact Jeffrey via email jallenlawtek@aol.com.

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DivisionNotes

GPSOLO APPOINTMENTS

Dear ABA and GPSolo Members:

Are you looking for a way to develop more clients? Do you want to increase your business? Become better known in your legal community? Do you want to better serve your clients and the public? If you answered yes to any of these questions, we have an offer you should not refuse. Come get involved in the GPSolo Division. We have something for everyone. Whether it be a continuing legal education program committee, a substantive committee, one of our amazing magazine or electronic newsletters boards, our wonderful book publication board, our membership board, or our public service initiative, there are numerous opportunities for you to increase your profile and to improve your practice. Our theme and goal this year is "Success and Service." Come join us and be a part of it!

I encourage you to visit our [website](#) to review our committee structure.

Leaders will be appointed as directors, chairs, vice chairs, advisors, and other leadership members. The only qualification is that you need to be a member of the Division to receive an appointment. The application is very simple. Just click on this [link](#).

The deadline for submitting your application is **March 31, 2011**.

If you have any questions, please contact me at lfarber@hahnlawyers.com or Dee Lee at Dee.Lee@americanbar.org.

I look forward to working with you!!

Very truly yours,

Laura V. Farber
Chair-Elect
General Practice, Solo and Small Firm Division

MEETINGS

SAVE THE DATE

2011 ABA GPSolo Spring Meeting

May 12–14
Four Seasons Hotel St. Louis
St. Louis, MO

Don't forget to mark your calendars for the ABA GPSolo Division's Spring Meeting, cosponsored by the Bar Association of Metropolitan St. Louis. ABA GPSolo has reserved a number of rooms at a reduced rate, which are available on a first-come, first-served basis until **Wednesday, April 20, 2011, at 5:00 p.m. (CST)**. To receive the special room rate of **\$169.00**, which includes complimentary high-speed wireless Internet, please contact the hotel directly at 314-881-5800 and identify yourself as an ABA GPSolo attendee. It is recommended that you confirm your reservation early in order to guarantee your preferred dates. Please check with the hotel to confirm the cancellation policy for individual guestroom reservations.

CLE TELECONFERENCE

[Security and Ethics of Cloud Computing](#)

Wednesday, March 23, 2011
12:00 p.m.–1:30 p.m. Central
For more information or to register click [here](#).

COMMITTEE HIGHLIGHT

ABA GPSolo Nominating Committee Report

The ABA GPSolo Nominating Committee, consisting of Chair N. Kay Bridger-Riley, Chauntis T. Jenkins, Alan O. Olson, Stephen B. Rosales, and Patricia A. Sexton, met during the 2010 Fall Meeting in Austin, TX. The committee submitted the following slate for the election of officers and council members-at-large for the 2011–2012 bar year pursuant to Article 7 of the GPSolo Division Bylaws.

For the position of Division Vice Chair, the Committee nominates Jennifer A. Rymell of Fort Worth, TX. Jennifer currently serves our Division as Secretary. For the position of Division Secretary, the Committee nominates Amy Lin Meyerson of Weston, CT. For the position of Council Member-at-Large, the Committee nominates Noah C. Davis of Seattle, WA; H. F. "Sparky" Gierke of Orlando, FL; Rick L. Lambert of Dallas, TX; Jeffrey C. Robinson of Selma, AL; and Sarah Sharp Theophilus of Sioux Falls, SD.

AWARDS PROGRAM

Call for Nominations: 2010 Solo and Small Firm Awards Program

The ABA General Practice, Solo and Small Firm Division is pleased to announce a call for nominations for its annual 2011 Solo and Small Firm Awards. The annual awards program recognizes dedication to the practice of law as general practitioners or solo or small firm lawyers. Each year the Division honors outstanding solo and small firm practitioners, as well as bar leaders and bar associations at the Division's Awards Ceremony held at the Spring Meeting. Recognition is given for **Solo and Small Firm Lifetime Achievement Award, Solo and Small Firm Project Award, and Solo and Small Firm Trainer Award.**

- Applications must be submitted by email, fax, or U.S. mail (and postmarked) by **March 31, 2011.**
- **Please read the [Awards Summary and Application Instructions](#) before completing this form. To apply for a solo and small firm award, complete the attached [application](#) and send to genpractice@americanbar.org; fax 312-988-5711 or visit our [website](#).**
- Incomplete applications will not be considered.

The ABA General Practice, Solo and Small Firm Division's awards program is underwritten by the generous support of West, a Thomson Reuters business.



ABA PRESIDENTIAL APPOINTMENTS: 2011–2012

In order to gain the most representation of GPSolo throughout the ABA, each year we make a concerted effort to strategically nominate our members as part of the presidential appointments process. Therefore, if you are interested in a presidential appointment, please provide a brief synopsis of your bar activities (this could be in the form of your bar resume) and the name of the committee, task force, commission, etc. on which you wish to serve to Keith McLennan at kmclennan@millerturetsky.com and copy James Durant at james.durant@mildenhall.af.mil. Also, if you currently are a member of an ABA committee, please let us know whether you would like to continue, or if you have aspirations to lead it as chair. The Division will submit a limited number of nominees for these positions, and we hope to support you.

Nominations are open until March 1, 2011. Please visit [this link for more information](#). Please be mindful that all recommendations must be made using the online nomination form. A separate form must be submitted for each person recommended for a committee appointment. Please note that the number of available nominees stemming from our Division is, again, limited.

BOOK HIGHLIGHT

[Mastering Voir Dire and Jury Selection: Gain an Edge in Questioning and Selecting Your Jury. Third Edition](#)

By Jeffrey T. Frederick, Ph.D.

This much-anticipated and expanded **Third Edition** by one of the nation's

most experienced trial consultants goes beyond other books on jury selection and focuses on the skills needed to conduct effective voir dire and jury selection, ultimately improving your chances of a favorable verdict at trial. This valuable guide will help you understand effective voir dire and jury selection strategies and adapt them to the unique circumstances you face in your trial jurisdiction.

Topics include:

- Understanding the importance of the jurors' backgrounds, experiences, and opinions
- Good questioning techniques and skills that increase juror candor and honesty
- Reading jurors' nonverbal behavior
- Tips for improving your success in group voir dire settings
- Successfully overcoming common problems encountered during voir dire, including identifying and handling stealth jurors
- How to develop and use juror questionnaires effectively
- The impact of the Internet on jury selection and jury trials
- Overall jury selection strategies

This book is packed with practical advice and supplemented with appendices, including examples of useful voir dire questions for civil and criminal cases. In addition, a companion CD contains more than 130 juror questionnaires used in criminal and civil trials, including questionnaires from *Colorado v. Kobe Bryant*, *In re Exxon Valdez*, *i4i LP v. Microsoft Corporation*, *United States v. Zacarious Moussaoui*, *California v. Scott Peterson*, and *United States v. Senator Theodore Stevens*, among many others.

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