

# Getting Up to Speed: Tech Savvy Tips for ADR Professionals A Mile Wide, Inch Deep Review of Online Resources for Your Business

The Internet has led to an explosion of resources creating a sea change in how we as a society communicate, share ideas, and leverage resources. Technological advances move so quickly it is often difficult to stay current, let alone ahead of the curve. A report out of the Berkman Center for Internet at Harvard Law School noted that the Internet is changing the practice of law and "lawyers who find ways to exploit technology ... will see tremendous gains."<sup>1</sup> This statement is equally true for ADR practitioners who, arguably, have more potential for portability in their practices.

Changes in mobile computing, development of affordable software applications that dramatically improve efficiency, communications tools that create ever-improving collaborative environments, and a client base that relies more heavily on technology will fundamentally alter how and where ADR professionals work. New technology will provide unparalleled opportunities for instantaneous contact, information gathering and dissemination. Practitioners will benefit from being technologically savvy so that they can attract and retain clients. As more ADR professionals develop a strong presence on the web and use web-based tools in their work, understanding some of the resources and potential dangers of running a business online becomes critical.

This article seeks to provide an introduction to basic concepts related to the increasing move of data to the Internet—so-called "cloud" or Web 2.0 computing—highlights useful tech tools that increase productivity and optimize collaborative work spaces,<sup>2</sup> and points to interesting websites that help practitioners access more information. It also provides a glimpse into basic data protection issues. While this article looks at these tools through the eyes of the ADR practitioner, the technology should have cross-appeal for any entrepreneur.

## Web 2.0 and Cloud Computing

Concepts such as Web 2.0 or cloud computing are not just buzz words. They have a very real impact on how people and businesses relate to one another. Web 2.0 refers to a wealth of applications that increase information exchanges, inter-oper-

ability, and collaboration. Think: Linked In, Twitter, Facebook, and Wikipedia. Web 2.0 technology includes the ability to search within sites using key words to find relevant information, collaborating on projects such as wikis, and using tags to categorize information for ease of retrieval. Blogs and RSS feeds are prime examples of Web 2.0 tools and many websites use Web 2.0 features to cross-link to other sites.

Cloud computing is a relatively new concept but, nonetheless, much of what is done today on the web takes advantage of the new cloud computing formats. In times past, a business or an organization used internal networks to connect all of their desktop computers through land lines to a central server that held the major applications of the business. When a software upgrade came out, the company had to purchase the upgrade and a techie had to use a CD-ROM that contained the upgrade and install an update on each and every device at the same time to ensure the network remained in sync. Occasionally, the upgrade for one program fried another program on the same machine, causing endless headaches. The business's on-site server also acted as the centralized point for storage of all data and from it back-up tapes were made to protect the information on the server.

These days, programs are rarely purchased outright. Most software is delivered online, upgrades occur at the click of a mouse and usually without impacting other programs on that computer. Companies license the applications on demand. This format is best known as SaaS, or software as a service. Wireless computing, laptops, and hand-held devices like smart phones have made it more difficult for businesses to control all the data produced by their employees and to ensure that the data runs through their on-site servers. Attorneys who have had exposure to e-discovery issues can attest to the complexity of trying to figure out where data containing discoverable information is located, who actually owns or controls it, and how to best access it.

Enclosed office network systems are being replaced by cloud computing. Servers and workstations no longer need be on-site. Desktops, laptops and hand-held devices can effortlessly connect to virtual

servers, making it far easier to access information and collaborate from multiple locations. Cloud servers are less expensive and far more flexible as companies can increase or decrease capacity as needed, allowing for unprecedented fine-tuning of needs. The drawback is that businesses no longer have controlled internal systems and must rely on third party service providers as never before: to house and maintain data, to provide access, to upgrade software, to back up information, and to perform critical network functions that used to reside largely in-house.<sup>3</sup>

The benefit of cloud computing for the small to medium-sized business is that businesses can access web-based resources at a lower cost. Developers of applications are able to bring the technology to market quicker with open distribution channels, allowing those who want to use their products a way to do so in an economically feasible way. Soon, so much of what we do in our regular lives will be conducted online that the ability to form and maintain a dynamic presence on the web, as opposed to simply having a static web site, will become a business necessity. At the rate things are going, most businesses will be running on the web and in the cloud in the very near future.

## Tools for Practitioners to Streamline Business Operations

An example of the migration from internal to external business function can be seen in the growth of virtual telephone systems. If you have ever worked in an office with more than two employees, you have had exposure to a private branch exchange (also called a PBX) telephone system, where all of the phone extensions of a business are connected to a centralized switch that interlinks all the offices, fax machines, and modems. Today, virtual telephone systems are replacing PBX systems and offering increased portability.

There are many companies offering these systems. Our company uses Ring Central ([www.ringcentral.com](http://www.ringcentral.com)). Companies can transfer existing phone numbers to the system, get a new number (local or toll-free), and link it to an online fax number as well. There is no need to give out separate cell, office,

or home numbers as all calls can be routed through the virtual platform. A user-friendly interface allows your company to set answering rules for each extension so that calls can be forwarded to each employee wherever he or she is (home, cell, laptop, etc.) or even route calls to a specially designed desk phone that runs through your Internet. Voice mails and faxes are routed to your e-mail address so you can review messages at any time. The service also maintains a detailed call log that can be downloaded and exported into programs such as Excel. The system integrates with Microsoft Outlook so all your contacts can be imported, and there are smart phone applications that allow you to access the system from your iPhone.

For individuals, Google Voice offers a free service for anyone with a Google account. A single Google forwarding number will ring all of a user's phones when called. Free calling and SMS is offered in the United States and low-cost international calls can be added as well. The system provides for e-mail notification and retrieval of voicemails and can also transcribe the voicemail to a text. Google Voice even has a conference call feature.

Skype ([www.skype.com](http://www.skype.com)) is an online communication system that is free. There are other similar products, but Skype is the predominant player. Skype users do not have phone numbers, but user names, and can contact anyone else with a Skype account. A nice feature of Skype is that if both parties have a camera mounted on their desktop or imbedded into their laptops, the parties can have a video conference. The video streaming is not seamless, low-resolution cameras coupled with connectivity issues produce instances of frozen screen images and murky video, but the appeal is undeniable.

Chances are that most ADR professionals are running smaller operations and do not have the need for an onsite or a cloud server. If you are running a business simply using a smart phone, desktop computer, and laptop, then perhaps you have run into the difficulty of starting a document on one machine, wishing you were able to access it from another, but forgetting to e-mail it to yourself. Enter file sharing software. An early entry into this market was Go To My PC ([www.gotomypc.com](http://www.gotomypc.com)). That program allows users to access their main desktop hard-drive from another computer as long as the computer they are trying to access is still logged into the program and actively running. Newer file sharing programs go one step further by creating virtual file sharing for online backup and synchronization between computers. There are several players in this market including Dropbox ([www.dropbox.com](http://www.dropbox.com)), SugarSync ([www.sugarsync.com](http://www.sugarsync.com)) and Ubuntu One ([www.ubuntuone.com](http://www.ubuntuone.com)). These programs offer critical small

office functionality, including automatic synchronization between machines and backup of critical data.

The programs are not just for document access and backup. Users can sync iTunes libraries across computers and create online back up for pictures, home movies, and e-book libraries. Some of these programs allow users to create collaborative platforms where limited access to select files can be given to colleagues or clients, and some allow users to sync application data across machines as well. Each company offers slightly different features, capabilities, and price points (for basic access some are even free), and most run in Windows and Mac environments. These programs do not contain the more complex features of legal document management systems, but for the purposes of ADR professionals, they pack a lot of punch and functional utility.

Invoicing and accounting can be burdensome, but these days online applications are making it easier and more cost effective to reconcile accounts, track expenses, and invoice clients. Perhaps the best known financial software is QuickBooks (<http://quickbooks.intuit.com>) but there is lots of competition out there, including Less Accounting ([www.lessaccounting.com](http://www.lessaccounting.com)) and Working Point ([www.workingpoint.com](http://www.workingpoint.com)). These apps come with a range of accounting features including expense and invoice tracking and integration with banks and payments systems. Invoices and proposals can be generated and sent. These programs also have apps for your smartphone.

For those who do not need the expansive features of these accounting programs, an online invoicing system may prove a better alternative. Standouts in this category include the ever popular Freshbooks ([www.freshbooks.com](http://www.freshbooks.com)), Zoho ([www.zoho.com](http://www.zoho.com)) and Simply Invoices ([www.simplyinvoices.com](http://www.simplyinvoices.com)). These programs have unique features that potential users can ponder before they decide which one would work best for them, but they all have in common clean user interfaces, simple set up, customizable invoicing templates, and integration features.

Client relationship management is another arena that has taken advantage of SaaS platforms. Well known players in this group includes Salesforce ([www.salesforce.com](http://www.salesforce.com)) and Highrise ([www.highrise.com](http://www.highrise.com)). These programs pack a lot of contact management functionality into their interfaces and allow businesses to track contacts, organize messages from phone and e-mail, utilize a calendar function to track upcoming events, and create detailed easily accessible notes.

When using third-party service provider applications care must be taken to understand what security protection is in place for the data and, where the software will contain confidential client information,

whether the data is secure (this is a topic I will discuss in more detail later in the article). Obligations of professionals in securing files that contain confidential client matters is evolving along with this new technology and it is not clear which third-party service providers offer sufficient security on their systems, which brings up questions on the efficacy of their widespread use for confidential client matters. At the very least practitioners should be aware of the issue, read the application's privacy policy, and clarify who has access to the data, whether the company has a policy regarding access by them and their employees, whether the practitioner or the company actually "owns" the data uploaded under the practitioner's account, and what steps the company takes to secure the data from unauthorized disclosure.

There are a number of enclosed systems that take into account the needs of legal professionals to conduct office functions online. Standard programs in this area include Rocket Matter ([www.rocketmatter.com](http://www.rocketmatter.com)) and Clio ([www.goclio.com](http://www.goclio.com)). Newer entries in this field are programs that are specifically designed to allow for the creation of secure, virtual law practices in the cloud. Companies like Virtual Law Office ([www.vlotech.com](http://www.vlotech.com)) and Direct Law ([www.directlaw.com](http://www.directlaw.com)) have developed systems that allow law firms to conduct the vast majority of their work online through their websites, which provide secure portal access for clients.

As businesses conduct more of their work virtually, the ability to drive Internet traffic to your website, increase name recognition and stand out from the crowd will have a very real impact on survivability for your business. The breaking down of geographic limitations for expansion means not just more opportunity, but more competition. Building a great website is meaningless if no one can find it. A critical component of web presence is to understand how search engine optimization (SEO) works and to build your site's individual pages accordingly. This is a complicated process for non-techies; however, the most important concept is that the more successful a website deploys keywords and links, the better the site will stand out from the competition. The higher your site is ranked in search engines, the easier it will be to find. Using an applications such as Google Analytics ([www.google.com/analytics](http://www.google.com/analytics)) or Clicky ([www.getclicky.com](http://www.getclicky.com)) will give you tremendous insight into who is coming into your site, how they got there, what they are looking at and where they are going when they leave the site. This can add up to critical feedback to allow businesses to fine tune their sites.

Online educational resources have also greatly improved access for ADR professionals to educate themselves on a wide

variety of topics. There are terrific free resources and some pay as you go and subscription ones as well. If you have ever been embarrassed by your inability to put together a spreadsheet in Excel, need to update your website, or want to quickly develop Power Point skills for a presentation, check out ([www.Lynda.com](http://www.Lynda.com)), which offers hundreds of tutorials on computer programs and applications. Solo Practice University ([www.solopracticeuniversity.com](http://www.solopracticeuniversity.com)) offers a range of in-depth classes, all video-recorded and accessible on demand. The substantive courses are mostly on legal issues, but ADR professionals on the faculty also offer guest lectures and classes and the site also has timely courses on online marketing, Internet security, life/work balance in the digital age, leveraging social media, and establishing virtual law offices. For a free resource, try [www.businessballs.com](http://www.businessballs.com). This site has a lot of content for facilitators and workshop designers. The materials are geared more toward coaching, visioning, and training, but the site also has some terrific conflict-oriented materials. If you find yourself using Google more than Casemaker for initial research into legal issues, Google Scholar ([www.scholar.google.com](http://www.scholar.google.com)) may be a better alternative. Its powerful search engine has specific utility for legal researchers. Users can research legal opinions, journals, and articles from a variety of sources and pinpoint the search for state specific findings.

### Online Dispute Resolution

The promise of online dispute resolution has grown into a very real sub-specialization. However, much of the discourse involves using ODR tools to resolve disputes that have been initially created online. The boom in ODR arose largely from e-commerce conflicts (E-Bay, PayPal, etc.) that tend to involve arms-length transactions among parties who do not have a relationship outside the dispute. CyberSettle ([www.cybersettle.com](http://www.cybersettle.com)) is perhaps the best known ODR platform. It uses a relatively simple interface allowing each party to upload settlement offers in rounds consisting of an offer and then a counter-offer and hopefully arriving at a settlement figure. Some of the platforms will reveal the mid-point number between the best offers of each party; some do not; and in the absence of a resolution the case remains unsettled. The experience does not require interaction between the parties or discussions regarding positions and interests; there is no "expanding the pie." Nor will a party have a chance to tell their story or be heard. These systems are not about interpersonal communication but rather about expediency in settlement.

A newer ODR platform has been developed by Qualatrust ([www.qualatrust.com](http://www.qualatrust.com)).

This platform allows mediators to set up a private secure space online for parties in a dispute to mediate in cyberspace. Parties can upload documents and other materials, make statements, and ask and answer questions, all in an environment that is controlled by the mediator. The communications are asynchronous, meaning that parties are not in a live chat room environment but rather upload messages separately to the mediator. This platform lends itself well to "shuttle diplomacy" mediation. An e-mail message alerts parties when something new has been posted. At the end of the mediation, the mediator can eliminate the work product (e.g., destroy the notes) stored on the site as the mediator would do in a real mediation.

### Collaborative Platform Tools

Collaborative tools allow everyone associated with a particular project—from colleagues to clients—to work together online. Google Docs ([www.Docs.google.com](http://www.Docs.google.com)) is powerful and free. Users upload documents, spreadsheets, or presentations so others can review, read, and even edit the documents in real time. A newer version allows side-by-side chatting and the ability to add the Google Docs feature to a website. Microsoft has revamped its Office suite products for 2010 to add many of the collaborative tools that make Google Docs so attractive, and does so in a format that is seamless and familiar to those already working with the Microsoft Office products. Microsoft also has the Sharepoint system (<http://sharepoint.microsoft.com>) allowing users to build collaborative web sites to share information, contacts, documents, calendars, task lists, and running conversations on existing projects. For ADR practitioners working on complex projects, with teams and organizations in different locations, or needing timely input from clients, the ability to establish online communities for collaboration is powerful. Another up-and-coming program is Box.Net ([www.box.net](http://www.box.net)). This program has an easy to understand user interface that makes it a breeze to start using, integrates with many popular programs, is useable for Mac, Windows, or Linux operating systems, syncs to the documents on a desktop, and allows review of previous versions of documents.

For ADR practitioners, being able to tackle and resolve issues in joint sessions is sometimes the key to resolution. Waiting for asynchronous communications is not going to get the job done. What is needed is real time discussion and review of materials in the same space but what if parties are in different locations? Show Document ([www.showdocument.cmo](http://www.showdocument.cmo)) is a no cost program that allows parties all to log into a shared online work space to discuss and

edit a document together.<sup>4</sup> Parties can also look at the same website, YouTube video, or map together. If parties are at the discussion stages, there is also a whiteboard feature. Imagine being able to capture meeting notes in an online version of a flip chart that is instantly visible to everyone on the meeting right on their desktops?

Web conferencing services have moved beyond simple video feeds. There are now several companies that offer better web conferencing.<sup>5</sup> Vivu ([www.vivu.com](http://www.vivu.com)) is one example of this kind of application. It provides conferencing flexibility for smaller meetings as well as larger presentation-scale meetings. The interface on a desktop will show the participants as well as any presentation materials or documents that are under discussion. WebEx ([www.webex.com](http://www.webex.com)) is perhaps the best known application for video conferencing. Most of these sites allow the organizer to control who is speaking, show documents while the meeting is in progress, record, and playback the information. Some allow separate spaces for private meetings. In a new twist on e-mail, SightSpeed ([www.sightspeed.com](http://www.sightspeed.com)) touts its ability to provide subscribers with video e-mail services. Instead of sending a dry typed message, send a personal recording. This may spell the end of early morning e-mails in pajamas. The pricing for most of these programs is by subscription, paid on a yearly or monthly basis. If you are not sure whether you would use the service that often, ooVoo ([www.oovoo.com](http://www.oovoo.com)) offers, in addition to a subscription service, a pay-as-you-go package.

### Online Collaborative Tools for Family Cases

Some online collaborative tools are helpful for clients as well. In the family arena, sophisticated collaborative calendaring tools are available for families trying to balance parenting in cases of separation or divorce.<sup>6</sup> These programs bring clarity to schedules and communications, hopefully reducing strife and miscues that create conflict down the line.

Joint Parents ([www.jointparents.com](http://www.jointparents.com)) features a jointly accessed custody calendar that allows parents to input the schedule many months, if not years, in advance. Users receive e-mail alerts that allow parents to auto-schedule and accept events on the calendar. The site has a message board allowing parents to communicate about things like how to integrate and share household rules. It also has a contacts section so that parents can share contact information for babysitters, friends, extracurricular activities, relatives, etc., and a photo library allowing parents to post photos and keep up to date on what their children are doing. There is a medical manager that

helps parents keep track of medical providers and insurance information. A nice feature for parents who need to track expenses is an expense sharing program. Any parent who has tried to track and reconcile child-related expenses will appreciate this feature. Joint Parents also recognizes that it is possible in today's blended family environment for there to be children who share multiple families; it allows parents to use one account to manage their multi-family parenting and ensures that no information is shared between the other families.

ShareKids ([www.sharekids.com](http://www.sharekids.com)) has some unique features, such as financial tracking of spousal support and child support, in addition to shared expenses and an upload feature for agreements and court orders. This allows parents to search for a rule by keyword or topic so there is no need to read the entire agreement to find the rule you are looking for. Other documents can be stored as well, such as birth certificates, report cards, etc. It also contains a log/diary feature that might be useful. The site has a chat room feature that allows parents and their guests to talk online instead of calling. The guest feature allows parents, teachers, mediators, attorneys, and others, to access the information.

Our Family Wizard ([www.ourfamilywizard.com](http://www.ourfamilywizard.com)) has taken the concept of a family calendar and really beefed it up. It has expanded the traditional uses of this type of software to address the needs of military families who are trying to manage separation issues and elder care issues. The organization reveals a very clear understanding of the many ways that this online system can be used by parents, therapists, parenting coordinators, guardians ad litem, mediators, attorneys, and courts. The program is designed to find and alert parents to schedule changes; it uses a notification and color coding system, which recognizes the biggest potential for miscues between parents is when parents make schedule shifts and changes and seeks to reduce conflict between them by documenting the changes clearly.

### Is There an App for That?

Nowhere is the ubiquitous nature of technology more apparent than on the iPhone, and Windows platform smartphones are quickly catching up in the applications department. Applications help small businesses manage better. There are applications for invoicing, billing, time keeping, scheduling, conference calling, client relationship management, and front and back office coordination. And your Web 2.0 presence can be met with a variety of apps to help manage your Facebook, Twitter, and blogging needs.

Many common programs now can be

linked through applications on your smartphones, from the client relationship management program you use (e.g., Highrise or Salesforce), to your virtual phone system, to your accounting programs—all have reasonably priced apps. In addition, many apps are being designed to interconnect with these more common programs. For example, there are apps that translate speech to text, allowing you to dictate messages, meetings, or memos and have them instantly accessible as written documents.

One interesting app in this category is the JotNot Scanner Pro. The app turns photos into scanned documents. Proprietary imaging technology balances and corrects the image before converting it to a PDF file. The file can then be shared by e-mail, uploaded (even in an editable text version) to Google Docs, Dropbox, or sent to any other such platform for viewing and sharing. The app makes it much easier to capture written records, notes, information on flip charts and white boards, etc.

Practitioners must pay attention to this segment of the market for reasons other than convenience or improving efficiency. First, the question emerges: What expertise do you bring to your market? Can you leverage it through creating a useful tool or application to your audience? Second, what are potential clients looking at? How are they getting their information? Do applications clients are using give out erroneous or only partially correct information? Are some applications so helpful and informative that your clients should know about them?

Enterprising Dallas attorney Micelle May O'Neill and CPA Bryan Rice have teamed up to bring DivorceApps.com to an iPhone near you.<sup>7</sup> The suite of programs, some of which are in development and not yet released, include Cost & Prep, Estate Divider, Child Possession Calendar, and Child Support Calculator. Having never practiced law in Texas, it is difficult to comment on the efficacy of this suite of products, but the presence of these apps marks a turning point in where parties in family law disputes can go for information and to access self-help. The cost of these apps is around \$10.00 each. A more on-target dispute resolution oriented app comes from Wise Minded Apps and is called Fix a Fight. This app walks parties in a dispute through a multi-step process of de-escalation. It was authored by Mark McGonigle, a psychotherapist. It is aimed at arguing couples, but the information is applicable in other areas as well.

These apps are early examples of what will surely be a huge segment of the app market. Soon professionals in all arenas are going to be producing similar applications. There is no doubt that a very healthy debate will rage over whether applications like these deliver a tangible benefit to those that use them, and surely questions arise

over whether we as a society are being made better or worse off by the technology revolution taking place. In either case, the opportunity is here and whether we as a field access it or not remains to be seen.

Even if developing an app is not in the business plan, perhaps other forms of online outreach would be more appealing. Café Mediate is a terrific example of using the podcast platform to good effect. It is the brainchild of five cutting-edge mediators well known for their effective use of social media and overall tech savvy: Diane Levin, Tammy Lenski, Amanda Bucklow, Jeff Thompson, and Victoria Pynchon. Each of these ADR visionaries also separately write dispute resolution blogs. They bring their combined experience to the forefront in a podcast about the practice and the business of mediation that subscribers can access through iTunes or by e-mail.

### Data Security 101

Increased online connectivity is not without its problems. When web sites, wikis, and blogs use hyper-links to alert their readers to sites that contain further resources and information, there may lurk hidden dangers. As unsuspecting users click through, they may end up exposed to malware, exploits, and spam.<sup>8</sup> More web sites and blogs are becoming interlinked and care must be taken to ensure that those cross-site links are free from cross-site scripting errors that could harm the person unlucky enough to click on an infected hypertext link. Where practitioners choose to upload business data online through a variety of web-based programs, they must ensure that the third-party service providers have taken effective safeguards for that data, at the very least that the data is encrypted, their web sites have no critical vulnerabilities that make them subject to exploit, and that the data is housed in a secure environment requiring user name and strong passwords for access. This includes protecting the data from a security breach, as well as redundant backup systems in case their main site goes down.

As more business is being conducted online, as more of our personal information is being stored in the cloud, and as businesses migrate operations to the Internet, protecting this information is becoming a critical concern for state and federal officials. From high profile data breaches at places like Hannafords and T.J. Maxx to thefts of laptops containing sensitive information, most people are aware that their identities might be vulnerable to exploitation. As society increasingly comes to rely on the convenience of being able to store and access information online, businesses and organizations are grappling with the difficulty of getting a handle on data security.

Regulatory compliance standards for



businesses and organizations are continually evolving, but not as rapidly as the technology. It appears to be a truism that as soon as a protective measure is in wide use, a hack is developed that makes it vulnerable again, and businesses who are increasingly moving their operations and data online very rarely understand the complexities involved in securing that data. If large multinational organizations that have full time IT departments find it difficult to keep pace, how much harder is it for smaller organizations run by non-tech professionals to do the same?

Some of the steps needed are simple: use stronger passwords and user names, change passwords frequently, do not use the same passwords for all your access needs, make sure your laptops, cell phones, and desktop computers are password protected so that if lost they are not vulnerable. Use a data encryption program for e-mails, file uploads, and electronic records. Have virus and malware detection software installed on all your Internet enabled devices, and when the little icon pops up on the monitor to announce updates, do not ignore it but install promptly. Software updates often contain security patches.

Know what your web presence looks like. Set up a Google Alert for your name, the name of your business, or any other search term. Where you are alerted about cross-links on other sites to your site, or about something you have written, check to make sure the link is valid and does not contain coding that sends people to a malicious site. If you use a link for something you have posted on the web, make sure it is clean as well.<sup>9</sup>

Paying attention to data security is not only good business practice, it is also increasingly a legal requirement. Massachusetts has recently enacted comprehensive data safety regulations, MA 201 CRM 17, modeled on the FTC's Red Flag Rules. The regulations apply to all Massachusetts businesses and organizations that hold personal information of Massachusetts residents that, if put into the wrong hands, could lead to identity theft. The law affects a vast number of entities in Massachusetts. The regulations cover paper and computer files as well as Internet transmission of personal information. Under the Massachusetts law, every person who owns or licenses personal information about a Massachusetts resident must have comprehensive safeguards.

The Massachusetts law requires a written information security policy (WISP) as well as ensuring computer and handheld devices and networks meet enumerated security requirements. Businesses and organizations not only must work to secure their own data but they also must ensure that the third-party service providers they use are in compliance with the regulations. This

places a burden on businesses not only to monitor their own technology but to take some measures toward verifying that the third-party service providers they use have done so as well. The Massachusetts regulation establishes a high standard and it is probable that many states in the very near future will enact data security legislation as well. When contracting with third parties to host web sites, when using online applications, when making the decision to operate mostly in the cloud, businesses should be aware of the possibility of needing to meet higher standards for data security and make determinations about third party service providers with this in mind.

### Conclusion

Practitioners in almost every field should spend time familiarizing themselves with the tremendous resources that are available online. The emerging technology landscape brings unparalleled opportunities for growth, making it easier for smaller operations to have a wide impact, and there are plenty of educational outlets demonstrating how to use these offerings to good advantage. Ease of communication, sophisticated collaborative work platforms, and the explosion of lower-cost applications increase productivity and efficiency. ADR professionals have an unprecedented opportunity to make themselves known to the public irrespective of geographical considerations. As more and more of our lives migrate onto the web, more of what we do and can do as professionals will happen online as well. Increasing your profile and reputation these days means increasing your presence online, driving traffic to your website, getting your thoughts, ideas, and business mentioned in other websites, and being vigilant about protecting that reputation by ensuring web security. Learning to leverage this new technology and keeping data secure will be the challenge of all enterprises as they work to understand and deploy that technology in an increasingly online world.

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<sup>1</sup> Gene Koo, *New Skills, New Learning: Legal Education and the Promise of Technology*, March 25, 2007, at 24, at [http://cyber.law.harvard.edu/publications/2007/New\\_Skills\\_New\\_Learning](http://cyber.law.harvard.edu/publications/2007/New_Skills_New_Learning) (last accessed July 1, 2010).

<sup>2</sup> In each category there are several competitors who have similar products. Mention in this article is not an endorsement but merely a sampling of available kinds of products. The author has used and is a subscriber of many of the products/sites in this article but is not otherwise affiliated with any of the sites listed. Each person should do his or her own comparison to see if a

specific product or type of product will work well for his or her business.

<sup>3</sup> Some states, including Vermont, have looked at the ethical issues faced by lawyers regarding the storage of confidential client information on servers to which third parties have access. See Vermont Bar Association Committee on Professional Responsibility, Opinion 2003-03, <http://69.39.146.6/Upload%20Files/WebPages/Attorney%20Resources/aeopinions/Advisory%20Ethics%20Opinions/Confidences%20of%20the%20Client/03-03.pdf> However, the implications of utilizing cloud computing in law practices has not been fully explored in most jurisdictions.

<sup>4</sup> I was alerted to this site by Steve Mehta, *Show Me The Document—Easy Online Collaboration Tools For All Mediators*, June, 2009, [www.mediate.com/articles/MehtaSbl20090608a.cfm](http://www.mediate.com/articles/MehtaSbl20090608a.cfm) (last accessed July 8, 2010).

<sup>5</sup> Steve Mehta, *Real-Time Online Video Meetings*, Nov. 2009, [www.mediate.com/articles/FolkWilliamsJbl20091116.cfm](http://www.mediate.com/articles/FolkWilliamsJbl20091116.cfm) (last accessed July 9, 2010) (discussing several of these programs).

<sup>6</sup> This information was previously posted in Juliana Hoyt's blog, *Ripple Effect*, on Feb. 17, 2010.

<sup>7</sup> <http://divorceapps.com>.

<sup>8</sup> For a terrific overview of social media pitfalls for ADR practitioners, read Diane Levin's blog, *Mediation Channel*, in particular her Feb. 18, 2010, post *Blog Responsibility: A Public Service Reminder for Dispute Resolution Bloggers*, <http://mediationchannel.com/category/networking-and-social-media-for-mediators>.

<sup>9</sup> *Id.*

