



ParaLegal News

Is your head in "The Cloud"?

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Member Meetings:
 January 22, 2013
 February 26, 2013
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Congratulations – you are already using the cloud and you probably have been for sometime. Cloud computing or storing data in the cloud is all the hype these days, every where you turn you are confronted with options for interacting with the cloud. This may seem like a very technical concept that requires a whole new way of doing things, but in fact, most people are already working in the cloud and may not even realize it. Basically, cloud computing means that your data is stored on the internet, instead of your computer's hard drive. You can also think of the cloud as the virtual cyber space of the internet – floating happily above your head as data goes back and forth from different sources.



Am I really using the Cloud?

Think for a moment about the technology and programs you use and websites you visit every day. Technology may include a desktop or laptop computer at home, a desktop computer at work, or even a smart device such as the iPhone or iPad. Programs may include your operating system such as Windows XP or Windows 7, productivity software such as Word, Excel, Photoshop or Quicken and websites such as Gmail, Facebook and YouTube.

Let's take an example that almost everyone can relate to: e-mail. All e-mail has to pass through the cloud or internet as it is being delivered from one person to another but you have options on how to receive that e-mail. Most peo-

ple have a work e-mail address and a personal e-mail address, so I will use that scenario for my example.

Traditionally, your work computer has an e-mail program such as Outlook installed on it which downloads your work e-mail. The e-mail arrives inside the Outlook program and is then available to be read, responded to, deleted, etc. The e-mail inside of Outlook is physically saved to your hard drive and taking up storage space in a file that can be searched for, copied, saved, deleted, etc. Once downloaded, you may not be able to access those e-mails from any other location and therefore, you may be tied to that computer and that location.

Now, you may also have a personal e-mail account from a web based service such as Hotmail, Yahoo or Gmail. While these e-mail accounts may also be used in the "traditional" manner, they are designed to be stored and accessed through that providers' website. This means, you can go to the providers' website 24 hours a day, 7 days a week, from any computer or smart device from any location with an internet connection and access your e-mail. The e-mail does not download to your computers hard drive and therefore does not take up any space on the hard drive - they are out in virtual cyber space, or, in the cloud, just waiting for you.

Another example that a lot of people are familiar with is Facebook. If you have photograph saved to your computer and you upload that photograph to Facebook, you now

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have two separate copies of the file, one on your hard drive and one in the cloud. You can delete either copy of the file and it won't affect the other copy. If you deleted the copy of the photograph saved to your hard drive you can still login to your Facebook account from any other computer or smart device and see the copy that you uploaded to Facebook – this is because that copy is in the cloud. It works the same for photo sharing websites such as Flickr, Photobucket, Snapfish and even YouTube.

The same theory works for web based file hosting services such as Dropbox, Box or SugarSync. Your files can be uploaded for storage in the cloud and available to you at a moments notice no matter where you are.

How is “cloud” computing helpful to me?

The benefits of cloud computing depend on your use of the technology or services available to you, but a few key benefits that can help almost anyone include:

Remote access to your information: Instead of waiting until you get to the office to check your e-mail, you can check it from your mobile device or sit down at any available computer. If you are in the job market, you can store copies of relevant documents such as your resume, letters of reference or education information for easy access to send out at a moments notice. If you are a student, you can store copies of reference material, reading assignments, or homework to easily pull up when you find yourself with downtime.

Backup: Even if you never have the need or desire to access your information from a source other than your own computer, storing copies of your data in the cloud is an excellent way to backup your files. Have you backed up your computer lately? What about the hundreds of pictures of your cute baby or cute dog? How about the copies of all of your receipts and bank statements for tax time? A computer failure can hit at any time, and quite often you don't think about backup solutions until it's too late. Many web based file hosting services offer free accounts with a decent amount of space and these can be used quite easily even by a novice. Your files can sit safely in the cloud just in case of emergency.

Storage Space: A lot of people don't even come close to using the hard drive space provided on their computer. Not that many years ago, computers came with a 20 Megabyte hard drive. These days, storage space is getting cheaper and cheaper and many new computers are being produced with a 1 Terabyte hard drive. To put it in perspective, 1 Terabyte can hold about 250,000 music files, 1,000 hours of standard quality video or 330,000 high quality photographs. There are options available to expand your hard drive storage capacity (such as upgrading your computer, buying a new computer, or buying an external hard drive) but none as easy or convenient as a web based file hosting service.

Is there a downside to cloud computing?

Like pretty much everything we deal with on a daily basis, there is an upside and a downside. You have to weigh both and see what works for you overall.

Downtime: If the service provider you are using to store your data has a technical problem, you may experience some downtime. They probably have access to a lot more technical support and IT personnel and than you do at home – and a lot more to lose - but they also have bigger problems. If the service goes down, so does your access to your information. Not to mention that companies can also go out of business, especially if you are using a smaller less known provider. Also, if you are in a location with no internet connection you may not be able to access your data. If a file you want to edit is stored on your hard drive, you can still work on it without internet, but if it is stored in the cloud, you may be out of luck.

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Privacy and Security: This is a top concern in the cloud. Any time someone else has access to your data, you have to worry about more than a little internet downtime. Hacking is more common these days and even top companies may be vulnerable. Keep in mind though, these companies are more likely to have many more steps in place to prevent security breaches than your own personal computer may have, especially if you are carrying your documents around on a thumb drive or portable hard drive that can be easily “borrowed” or misplaced.

What about e-Discovery?

Cloud computing raises new issues in the discovery arena. When data is stored and shared using the cloud, issues of ownership, control and jurisdiction may come into play. The utilization of cloud computing doesn't absolve a party of their e-discovery responsibilities, but it makes them more challenging.

Companies or individuals using cloud services through a vendor, will typically have some sort of contract or agreement which may specifically address e-Discovery obligations. However, many individuals use free services such as Gmail, Facebook or AOL Messenger where the only contract or agreement resides within the terms of service which are rarely, if ever, read before they are agreed to. Any time a third party has your data, the risk of that data being exposed to others increases and this is true of the discovery process as well.

If you are interested in learning more about the duties of parties and non-parties relating to the production of electronically stored information, you will find lots of great information in The Sedona Conference Commentary on Non-Party Production and Rule 45 Subpoenas – A copy can be found here: http://www.thesedonaconference.org/content/miscFiles/Rule_45_Subpoenas

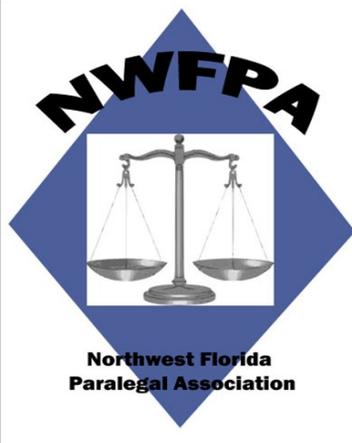
Is that it?

Well, pretty much! Almost all of us use the cloud on a daily basis. Like anything in life, there are risks and benefits to be considered. These vary depending on the services you use and “your mileage may vary”. This article certainly isn't all inclusive, there are many issues with cloud computing, especially when it comes to e-Discovery, but hopefully this has given you an insight into the basics.

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