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Streamlining Workflow, Improving Efficiency, and Staying in Compliance Through Modern Technology

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Today's Summary

- Privacy and Security
- Streamline and Create Efficiency
- Workflow Automation
- Trust Account Reconciliation
- Payment Processing

Disclaimer

This information is not intended to be legal advice and may not be used as legal advice. Legal advice must be tailored to the specific circumstances of each case.

Every effort has been made to ensure this information is up-to-date. It is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the advice of your own legal counsel.

Any opinions expressed are those of the speaker(s) and not this organization.

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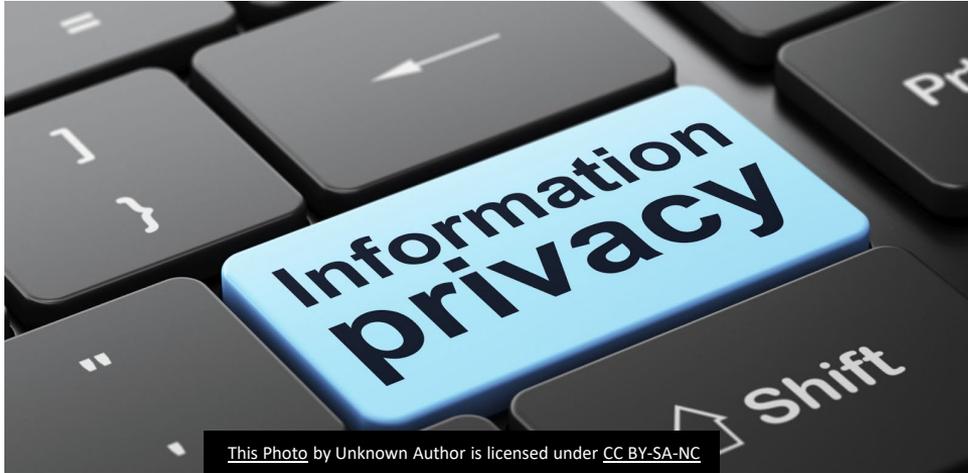
PRIVACY AND SECURITY

Why are Privacy and Security important?

Rule 1.6: Confidentiality of Information

"A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted…"

(like to prevent "certain death", or to prevent a crime).

Why are Privacy and Security important?

RULE 1.6: CONFIDENTIALITY OF INFORMATION

(C) "A LAWYER SHALL MAKE REASONABLE EFFORTS TO PREVENT THE INADVERTENT OR UNAUTHORIZED DISCLOSURE OF, OR UNAUTHORIZED ACCESS TO, INFORMATION RELATING TO THE REPRESENTATION OF A CLIENT."

The "Cloud"

Making sure we all know
what "The Cloud" is!

Where is the Information?

- Hosted in a secure environment

- Browser-Independent Accessibility

- Secure off-site, daily backups

- Two Factor Authentication for security

- Seamless weekly system updates

Where is the Information?

- Internal Hosting

- Backup Options

Sidebar: Rackspace

It can happen to anyone!

https://www.bleepingcomputer.com/news/security/rackspace-confirms-outage-was-caused-by-ransomware-attack/

Rackspace confirms outage was caused by ransomware attack

By **Sergiu Gatlan**

December 6, 2022   10:31 AM   1

Platform Comparisons

Microsoft: Azure, One Drive, Teams

Google: Drive, Meet

Amazon: AWS

Dropbox

Slack or Circle

Zoom, Skype, Meet, FaceTime, etc.

Sidebar: Dropbox

We will disable accounts and terminate service for abusive behavior or for creating, storing or sharing illegal or egregious content, particularly when it risks or depicts harm to others.

Some of the common types of abhorrent content or behavior which violate Dropbox policies and can lead to an account being disabled include:

- Malware, phishing, or spam.

- Child sexual exploitation and abuse material, including illegal child sexual abuse material or any content which sexually exploits minors (in accordance with US law, when Dropbox becomes aware of apparent child sexual abuse material on our Services, we'll make a report to the National Center for Missing and Exploited Children).

- Extreme acts of violence or terrorism activity, including the promotion of such activity.

- Malicious activity that interferes with or disrupts any user, host, or network.

When an account is disabled, all access to the account and content on Dropbox is terminated.

It's all gone!
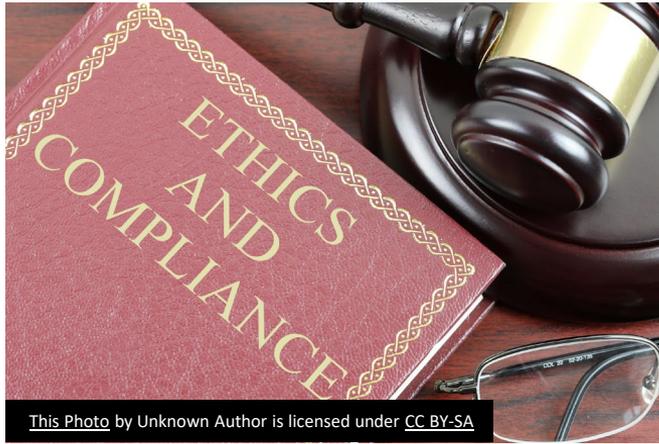
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COMPLIANCE

Why is Compliance important?

So you don't get
- Sued.
- Investigated.
- Poor Results.
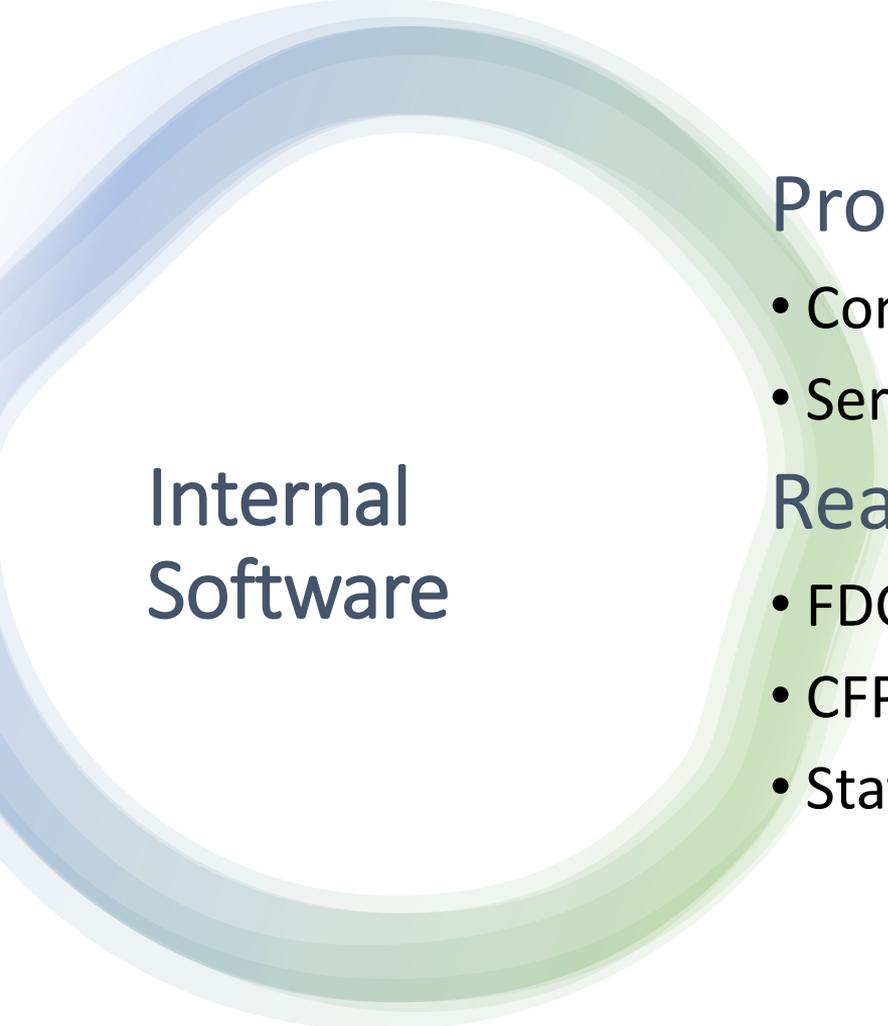
Internal Software

Proactive

- Communication Templates
- Service of Process Tracking

Reactive

- FDCPA Call Frequency Monitoring
- CFPB Model Notice Changes
- State Interest Rate Changes
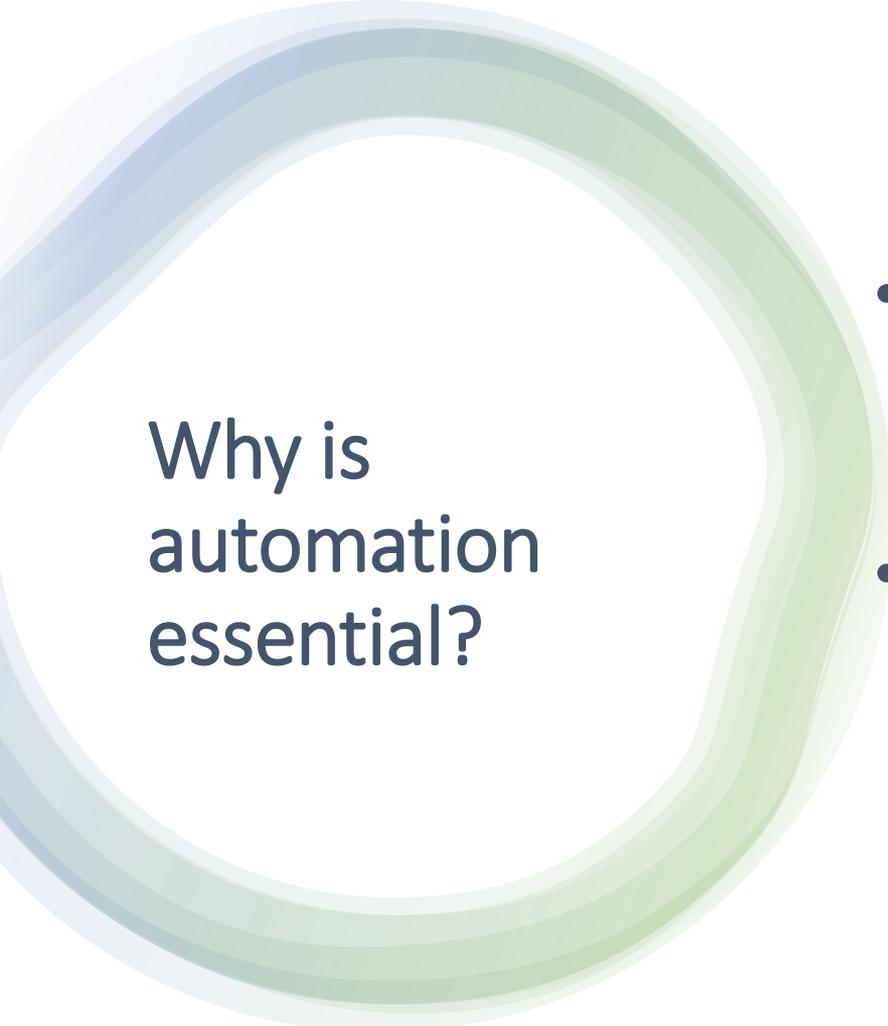
AUTOMATION

Why is automation essential?

- Prevent Errors!
  - AG, FDCPA, CFPB
  - Deceptive Business Practices

- Make More Money!
  - Getting it right, not making mistakes
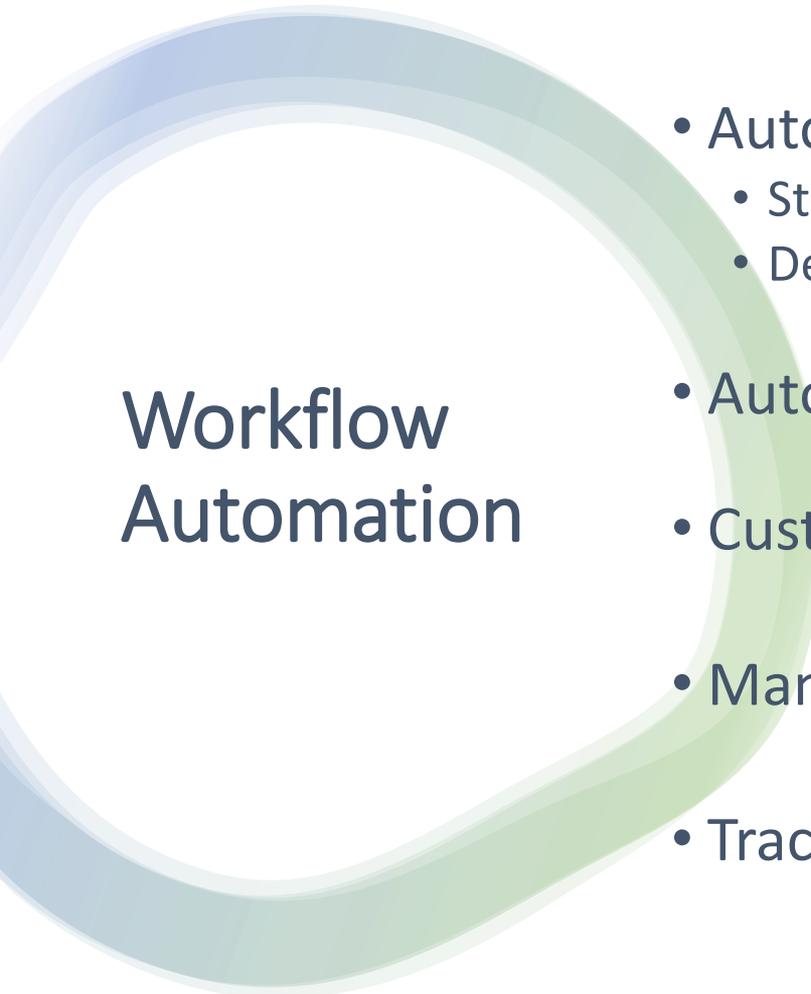
Workflow Automation

- Auto-tasking when fields are updated
  - Statute of Limitations
  - Debtor's Opposing Counsel

- Auto-tasking when documents are generated

- Customizing automation in the system

- Manually "triggered" automated functionality

- Tracking of payment due dates
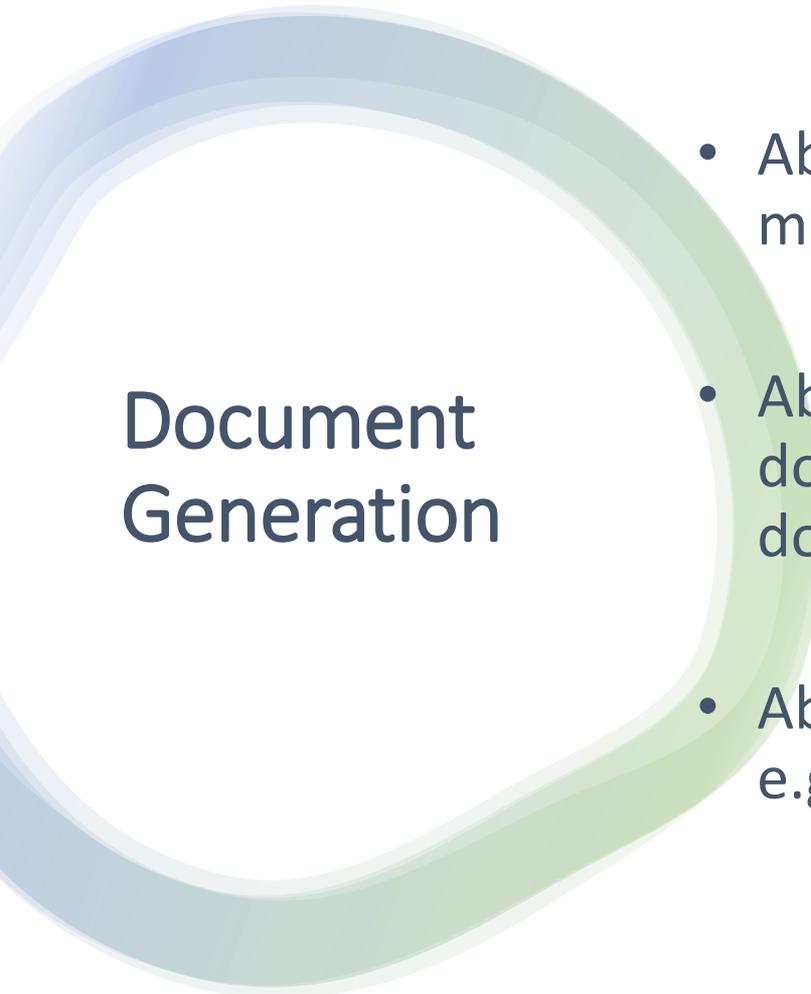
Document Generation

- Ability to generate a document in a modern word processor

- Ability to quickly and easily attach that document back to the case file, as a Word document or PDF

- Ability to generate documents in "batch", e.g. for a large group of new placements

Paperless Office

- Storing all documentation related to a case file within the software

- Ability to quickly locate the necessary documentation via keywords

- Ability to locate a document by searching for key phrases inside the document

Sidebar:
But I need paper!

But I Need Paper!

FINANCIAL CONSIDERATIONS

Why are reconciliations important?

- Rule 1.15 of the Model Rules of Professional Conduct
- "the care required of a professional fiduciary."
- "safeguard trust property"
- "segregate it from the lawyer's own property"
- "preserve 'complete records'"
- "promptly render a full accounting"

Trust Account Reconciliation

Quickbooks is not enough!

Trust Account Reconciliation

- 3-way trust reconciliation with backup documentation

- Hourly Billing Timer

- Options on how to advance costs

- Integrated check printing and invoicing

- Ability to easily generate detailed payoff letters

Taking Payments

- More than Checks or Cash

- Credit Cards – max 4%
  - (Authorize.Net, Clover / Fiserv, Elavon / Converge, WorldPay, Sage, etc.)

- Online Portals
  - Paysimple ACH – $0.69 per transaction
  - Venmo – 1.9% + 10 cents (no credit fee)
  - Paypal – range from 1.9% to 3.49%

E-Signature

E-Signatures

- Adobe
- Docusign
- Dropbox Sign
- Mac Preview

E-Signature Pitfalls

- Spam/Junk Filters

- Mistrust of Phishing

- Legal Challenges
  - Who could have signed it?
  - Did the signer get the opportunity to read?
  - Does the signature match?

Questions?

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