

Loyalty, the Law and the Cloud



As the use of cloud computing and managed IT services increases, law firms face important questions about the loyalties of IT services providers and the security of their data.

Interpersonal and Business Loyalty

We all value loyalty. A loyal person treats the other person as he/she would want to be treated and looks out for their interests.

In business, companies seek to develop customer loyalty, a characteristic that goes beyond the mere dollars and cents of the relationship. We all have our favorite brands, such as Microsoft, HP, Martindale-Hubbell or eMazzanti Technologies.

Loyalty in the Practice

In corporate law, The Duty of Loyalty means that corporate directors have a legal responsibility to avoid conflicts of interest. In essence, the directors must put the corporation's interests above their own.

In a law practice, attorneys have a duty of loyalty to both their employers and to clients. They must exercise loyalty and independent judgement in the client relationship, getting informed consent when conflicts of interest are identified.

The Cloud Conflict of Interest

As information technology advances and more law firms are moving data and services to the cloud, the question of loyalty arises. The traditional vendor/ customer relationship is one-to-one. Products and services are usually delivered separately to individual customers.

In cloud computing, resources are shared between customers and are delivered simultaneously. Some say that this creates an inherent conflict of interest. Cloud providers want to maximize resource efficiency and lock in customers as much as possible, where customers seek performance, data security and interoperability.

Being a shared service, cloud security is usually shared as well. In some cases practice data may be well-protected from outside threats but not as well from other customers on the same cloud server. Some cloud users have been able to read another customer's files or access them by mistake. Of course, this creates concerns for law firms.

Other security concerns:

- What happens to confidential files when they leave your control?
- What happens to sensitive information when an employee leaves the firm, taking their laptop and smartphone with them?
- Does my Cloud service provider have access to my files?



The Weakest Link

These are excellent questions and could each merit a detailed discussion. But, there is an overriding principal that is the point of this article – loyalty and trust matter as much as technology.

In 14 years of helping customers secure their valuable business assets eMazzanti Technologies has found that the weakest link in data security is the human element. Very often, data is lost or compromised because someone did not live up to the trust that was placed in them. They were either negligent or disloyal to the organization, and the result was costly.

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Having data and programs on the cloud means that firms are potentially giving the staff of their cloud provider the key to their intellectual property and other confidential information. The same applies to IT managed services providers (MSPs).

The issues are loss of control and loss of ownership. Who has control of the data, who has access, and who really owns the data? As you can imagine, financial and compliance concerns for law firms abound.

A cloud or IT services provider who is loyal to his customers puts the firm's interests first. They have got the firm covered with regard to these issues, because it matters to them. They see the relationship as a long-term partnership.

Trust is Earned

Working with a cloud provider or MSP that is loyal to the customer, one that can be trusted, should be the primary consideration.

Because, in spite of all of the security technology provided with the firm's network or cloud, it still comes down to the weakest link, the people. Can they be trusted with sensitive data?

Trust is earned over time. The relationship is built with multiple transactions and interpersonal contact that attorneys, by experience, have a feel for. One can imagine that the question, 'Can we trust them?' is often posed in discussions within the firm.



Though it takes time for an MSP to earn your trust, you have to start somewhere. When you are considering a new MSP or cloud provider, here are a few questions that are good indicators of loyalty:

- Are the sales presentations and discussions about how to grow and protect your firm?
- Do they have a high customer satisfaction rate (above 85% or Four Stars)?
- What do other customers say about them?
- How long do customers stick with them?
- Have they received recognition and awards from major players like Microsoft and Inc.?
- Do they have low employee turnover?

You will have other questions to ask, but the point is, do you trust them? Having up-to-date technology is important, but so is loyalty and trust. The technology is only as good as those that stand behind it.