

MCLE SELF-STUDY

THE ETHICS OF CLOUD COMPUTING REQUIRE ATTORNEYS TO LEARN OR HIRE, OR BOTH

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MCLE SELF-STUDY TEST

1 Since 2010, how many formal ethics opinions has the California State Bar Committee on Professional Responsibility published that relate directly to cloud computing?

- 2 Which of the following is not a subject of the three opinions issued since 2010 related to cloud computing?
- a. Discovery of electronically stored information
 - b. Transmitting or storing confidential client information when the technology may be susceptible to unauthorized access by third parties
 - c. Whether new data privacy laws apply to law firms
 - d. Setting up a "virtual law office"

3 An attorney has the duty to ensure the use of technology in conjunction with a client's representation does not subject confidential client information to an undue risk of unauthorized disclosure.

True False

- 4 Which of the following have been identified as appropriate steps for evaluating the use of cloud-based technology?
- a. Hiring a technology consultant
 - b. Obtaining written confirmation from a vendor about security of its services
 - c. Understanding the terms of service for a cloud-based service
 - d. Delegating the task to a law clerk familiar with cloud-based technology

- 5 Which of the following was not identified in the California Bar's Formal Opinion Number 2012-184 as a criteria for evaluating a cloud-based technology vendor?
- a. Credentials
 - b. Customary usage by other attorneys
 - c. Whether the vendor transmits data across jurisdictional boundaries or to third-party servers
 - d. The ability of the attorney to supervise the vendor

6 An attorney who lacks adequate knowledge about electronically stored information may have to hire a technology consultant when engaged in e-discovery.

True False

7 What source of information generally defines how a cloud storage service might use or protect data?

8 What is the first factor identified by the 2010 California Bar ethics opinion that should be considered in determining how to use electronic communication or storage of data?

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9 What three considerations might an affect an attorney's assessment of the level of security afforded by a particular technology?

10 Client instructions or circumstances may establish the appropriate use of electronic communications or storage of information.

True False

11 After selecting a cloud-computing vendor, an attorney need not periodically reassess whether the technology is appropriate.

True False

12 Which of the following steps can an attorney take to ensure electronic communication is appropriate?

- a. Follow up to make sure the client received the communication
- b. Obtain client consent for electronic communications
- c. Review the terms of service for the software used to transmit communications
- d. All of the above

13 What is a firewall?

14 What is encryption?

15 What type of insurance is now available for law firms to protect against liability for illegal hacking?

16 Fill in the blanks. The European Union data privacy law, known as _____, went into effect in _____.

(name)

(year)

17 Fill in the blanks. The California data privacy law, known as _____, is scheduled to go into effect in _____.

(name)

(year)

THE ETHICS OF CLOUD COMPUTING REQUIRE ATTORNEYS TO LEARN OR HIRE, OR BOTH HOW TO RECEIVE ONE HOUR OF MCLE CREDIT

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